

Washington State Register

April 21, 2004

OLYMPIA, WASHINGTON

ISSUE 04-08



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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 786-6697.

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

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 April 2004 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.

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504-0552, pursuant to RCW 34.08.020. Subscription rate is \$211.38 per year, sales tax included, postpaid to points in the United States. Periodical postage paid at Olympia, Washington.

POSTMASTER: SEND ADDRESS CHANGES TO:

WASHINGTON STATE REGISTER
Code Reviser's Office
Legislative Building
P.O. Box 40552
Olympia, WA 98504-0552

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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Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **EXPEDITED RULE MAKING**-includes the full text of the rule being proposed using the expedited rule-making process. Expedited rule makings are not consistently filed and may not appear in every issue of the register.
- (d) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **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.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one hundred twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

5. EDITORIAL CORRECTIONS

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

2003-2004

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

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

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

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

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

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

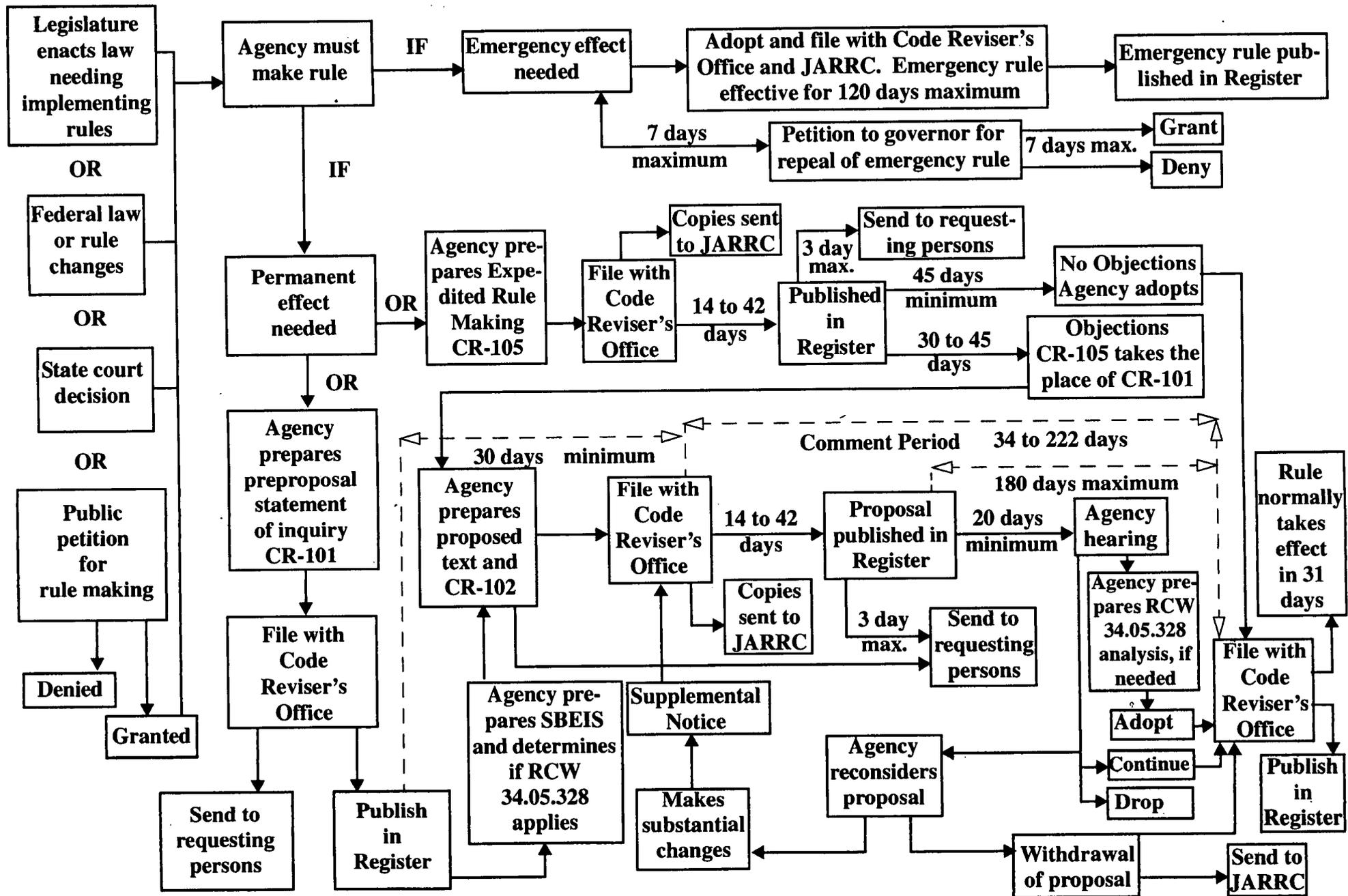
There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

RULE-MAKING PROCESS



WSR 04-08-006

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed March 25, 2004, 8:54 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc., to include but not limited to WAC 308-56A-250.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as result of this review in accordance with Executive Order 97-02.

To clarify that the agency has authority to correct an error made by the department on a vehicle record without requiring the registered owner to resign the application.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

March 24, 2004

Steve Boruchowitz, Manager
Policy and Projects Office

WSR 04-08-033

**PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF ACCOUNTANCY**

[Filed March 30, 2004, 4:16 p.m.]

Subject of Possible Rule Making:

Subject of proposed rule making:		Statutes authorizing the agency to adopt rules on this subject:
WAC 4-25-400	What is the authority for and the purpose of the board's rules?	RCW 18.04.055
WAC 4-25-410	Definitions.	RCW 18.04.055
WAC 4-25-510	What is the board's meeting schedule and how are officers elected?	RCW 18.04.055 and 42.30.070

Subject of proposed rule making:		Statutes authorizing the agency to adopt rules on this subject:
WAC 4-25-540	What rules govern the proceedings before the board?	RCW 18.04.055(1), 34.05.222, and 34.05.482
WAC 4-25-550	Do I need to notify the board if I change my address?	RCW 18.04.055(16)
WAC 4-25-551	Must I respond to inquiries from the board?	RCW 18.04.055(16)
WAC 4-25-610	Which rules govern the conduct of CPAs?	RCW 18.04.055(2)
WAC 4-25-620	What are the requirements concerning integrity and objectivity?	RCW 18.04.055(2)
WAC 4-25-626	What restrictions govern commissions, referral, and contingent fees?	RCW 18.04.055(2)
WAC 4-25-630	What are the requirements concerning competence?	RCW 18.04.055(2)
WAC 4-25-631	With which rules, regulations and professional standards must a CPA, CPA firm, and firm owner comply?	RCW 18.04.055(2)
WAC 4-25-640	What are the requirements concerning records and clients confidential information?	RCW 18.04.055(2), 18.04.390(4)(b), 18.04.405(1)
WAC 4-25-650	What acts are considered discreditable?	RCW 18.04.055(2)
WAC 4-25-660	What are the limitations on advertising and other forms of solicitation?	RCW 18.04.055(2)
WAC 4-25-661	What are the limitations regarding firm names?	RCW 18.04.055(4), (8), 18.04.345(5)

Subject of proposed rule making:		Statutes authorizing the agency to adopt rules on this subject:
WAC 4-25-670	What enforcement actions must be reported to the board?	RCW 18.04.195 (10)(b), 18.04.215 (9)(b)
WAC 4-25-710	What are the education requirements to qualify to apply for the CPA examination?	RCW 18.04.055(5) and 18.04.105(1)
WAC 4-25-720	How do I apply to take the CPA examination?	RCW 18.04.105(2)
WAC 4-25-721	What does the board consider to be cheating on the CPA examinations, what actions may the board take if cheating is suspected, and what sanctions may the board impose if cheating occurs?	RCW 18.04.105(2)
WAC 4-25-730	What are the experience requirements in order to obtain a CPA license?	RCW 18.04.955(11), 18.04.105 (1)(d)
WAC 4-25-735	What rules must a certificateholder comply with and how does a certificateholder apply for licensure?	RCW 18.04.055(12), 18.04.105(4)
WAC 4-25-745	How do I apply for an initial CPA license?	RCW 18.04.055, 18.04.105(1), 18.04.215(1)
WAC 4-25-746	How do I apply for a Washington state CPA license if I hold a valid CPA license in another state?	RCW 18.04.180, 18.04.215(6)
WAC 4-25-750	What are the CPA firm licensing requirements?	RCW 18.04.055(8), 18.04.195, 18.04.205

Subject of proposed rule making:		Statutes authorizing the agency to adopt rules on this subject:
WAC 4-25-783	How do I renew a Washington CPA certificate and/or license granted through foreign reciprocity?	RCW 18.04.183, 18.04.215(2)
WAC 4-25-790	How do I renew my individual license, certificate, or registration as a resident nonlicensee firm owner?	RCW 18.04.215 (2), (4)
WAC 4-25-791	I am a certificateholder. Prior to July 1, 2001, I held a license. How do I apply to return to my previous status as a licensee?	RCW 18.04.215 (2), (4)
WAC 4-25-792	How do I reinstate a lapsed individual license, certificate, or registration as a resident nonlicensee firm owner?	RCW 18.04.215 (2), (4)
WAC 4-25-793	If I am retired, how do I apply to return to my previous status as a licensee or a certificateholder?	RCW 18.04.215(7)
WAC 4-25-795	How do I reinstate a revoked or suspended license, certificate, or registration as a resident nonlicensee firm owner?	RCW 18.04.215(2), 18.04.335, 34.05.220
WAC 4-25-830	What are the CPE requirements?	RCW 18.04.055(7), 18.04.215(5)
WAC 4-25-831	What are the program standards for CPE?	RCW 18.04.055(7), 18.04.215(5)
WAC 4-25-910	What are the bases for the board to impose discipline?	RCW 18.04.055(16), 18.04.295, 18.04.305

Statutes Authorizing the Agency to Adopt Rules on this Subject: See above.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Part of the agency's annual rules review, reviewing the rules for effectiveness, clarity, cost, fairness, and need. Also, due to the passage of SB 6123 rule making is required to implement the new provisions of chapter 18.04 RCW related to (1) extending the board's sanctioning authority to include people who never held a valid CPA license but are using the CPA title and individuals who cheat on the CPA examination; (2) adding a criminal penalty for individuals to illegally use the CPA title if they have had a CPA license suspended or revoked by the board; (3) allowing CPAs licensed in other jurisdictions to qualify as reciprocity applicants for a Washington state CPA license if they have practiced public accounting during three out of the past five years; and (4) providing a two-year extension to the grace period provided to certificateholders converting to a license to use experience without regard to when the experience was obtained.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by writing to Dana M. McInturff, CPA, CFE, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, (360) 586-0163, fax (360) 664-9190, e-mail danam@cpaboard.wa.gov.

March 26, 2004

Dana M. McInturff, CPA
Executive Director

WSR 04-08-034

WITHDRAWAL OF

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed March 30, 2004, 4:25 p.m.]

The Aging and Disability Services Administration would like to withdraw Preproposal Statement of Inquiry WSR 04-06-072 filed on March 2, 2004.

Brian Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-08-036

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed March 30, 2004, 4:27 p.m.]

Subject of Possible Rule Making: The department plans to update program language and requirements for WAC 388-414-0001 Some food assistance units do not have to meet all eligibility requirements. This rule explains who does not have to meet all eligibility requirements for the Washington Basic Food program because they receive or are authorized to receive benefits from certain other programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.500, 74.04.510, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department must adopt rules to be consistent with federal regulations for food stamps. This revision is intended to update the language of department rules to clarify requirements for clients and department staff, exercise state options within the food stamp program, and assist in consistent statewide application of policy for the Washington Basic Food program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) publishes federal regulations for the food stamp program in the Federal Register. Rules published in the Federal Register are incorporated into the United States Code of Federal Regulations. FNS also issues administrative notices to inform states of new program requirements that are not yet in the United States Code of Federal Regulations. DSHS incorporated these regulations and exercises state options by adopting administrative rules of food assistance benefits in Washington state.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposed rule with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Camp, Program Manager, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-4570, phone (360) 413-3232, fax (360) 413-3493, e-mail CAMPJX@DSHS.WA.GOV.

March 30, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-08-050
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE

[Filed April 2, 2004, 8:20 a.m.]

Subject of Possible Rule Making: Primary election.
 Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29.60.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state has adopted a different form of primary and additional rules are necessary to administer the new primary.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sheryl Moss, Certification and Training Manager, P.O. Box 40232, Olympia, WA, phone (360) 902-4180, fax (360) 664-4619.

April 1, 2004
 Steve Excell

Assistant Secretary of State

WSR 04-08-051
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE

[Filed April 2, 2004, 8:21 a.m.]

Subject of Possible Rule Making: Help America Vote Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29.04.210, 29.36.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Help America Vote Act adds many new regulations to the administration of voter registration and elections. Rules need to be adopted to assist in the administration of the act.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sheryl Moss, Certification and Training Manager, P.O. Box 40232, Olympia, WA, phone (360) 902-4180, fax (360) 664-4619.

April 1, 2004
 Steve Excell

Assistant Secretary of State

WSR 04-08-052
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE

[Filed April 2, 2004, 8:22 a.m.]

Subject of Possible Rule Making: Election administration certification requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29.60.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provide for additional avenues for maintaining election administrator certification.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Election Administration and Certification Board, as created by RCW 29.60.010. The board has approved this change at their regularly scheduled meeting.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sheryl Moss, Certification and Training Manager, P.O. Box 40232, Olympia, WA, phone (360) 902-4180, fax (360) 664-4619.

April 1, 2004
 Steve Excell

Assistant Secretary of State

WSR 04-08-053
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE

[Filed April 2, 2004, 8:24 a.m.]

Subject of Possible Rule Making: Ballot reconciliation, absentee ballot procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29.04.210, 29.36.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Defining procedures, for county auditors and county canvassing boards, for auditing election results and absentee ballot processing.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sheryl Moss, Certification and Training Manager, or Pam Floyd, Voter Services Manager, at P.O. Box 40232, Olympia, WA, phone (360) 902-4180, fax (360) 664-4619.

April 1, 2004
 Steve Excell

Assistant Secretary of State

WSR 04-08-056
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed April 2, 2004, 9:11 a.m.]

Subject of Possible Rule Making: Chapters 180-77, 180-77A, 180-78A, 180-79A, 180-81, 180-82, 180-82A, 180-83, 180-85, 180-86, and 180-87 WAC, certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 28A.410 and 28A.305 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the fol-

lowing, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

March 22, 2004

Larry Davis

Executive Director

WSR 04-08-057

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed April 2, 2004, 3:00 p.m.]

Subject of Possible Rule Making: Rules in Title 260 WAC to comply with the mandates of ESSB 6481.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Passage of ESSB 6481 by the Washington state legislature requires the commission to regulate both advance deposit wagering and full-card simulcast to class 1 racing associations and satellite locations in Washington. In addition, ESSB 6481 prohibits commissioners from wagering on the outcome of a race at a race meet conducted under the authority of the commission.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert M. Leichner, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462, fax (360) 459-6461.

April 2, 2004

R. J. Lopez

for Robert M. Leichner

Executive Secretary

WSR 04-08-058

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed April 5, 2004, 9:23 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc., to include but not limited to WAC 308-56A-525 Vehicle seller's report of sale.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.12.101.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is required to change the seller's report of sale notification requirements. To remove the option of mailing seller reports to the department since the system is not able to produce a receipt to the customer.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

April 5, 2004

Steve Boruchowitz, Manager

Policy and Projects Office

WSR 04-08-059

PREPROPOSAL STATEMENT OF INQUIRY HIGHER EDUCATION COORDINATING BOARD

[Filed April 5, 2004, 10:17 a.m.]

Subject of Possible Rule Making: Revisions to the future teacher conditional scholarship program, chapter 250-65 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.102.030 and 28B.80.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is necessary to implement a number of changes to the program authorized by the 2004 legislature in HB 2708.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Klacik, Associate Director, Higher Education Coordinating Board, 917 Lakeridge Way,

P.O. Box 43430, Olympia, WA 98504, voice phone (360) 753-7851, fax (360) 704-6251, e-mail johnk@hecb.wa.gov.
April 5, 2004
John Klacik
Associate Director

basin rule making, sign up for the Department of Ecology water resources e-mail list <http://listserv.wa.gov/archives/water-resources.html> or check out the water resources website at <http://www.ecy.wa.gov/programs/wr/wrhome.html>.

April 1, 2004
Joe Stohr
Water Resources
Program Manager

WSR 04-08-061

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 04-08—Filed April 5, 2004, 12:25 p.m.]

Subject of Possible Rule Making: This rule will amend chapter 173-532 WAC, Water resources program for the Walla Walla basin, WRIA 32. The amendment will include rule language setting instream flows/closures and may include tools for managing water in the Walla Walla basin. The watershed planning unit is looking at alternatives for water management; some of which may be included in the rule proposal.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 90.82 RCW, Water shed planning; chapter 90.54 RCW, Water Resources Act of 1971; chapter 90.22 RCW, Minimum water flows and levels; chapter 90.03 RCW, Water code; chapter 90.44 RCW, Regulation of public ground waters; and chapter 77.55 RCW, Construction projects in state waters (hydraulic code).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The possible adoption of these rule amendments is needed to protect instream values within the Walla Walla basin of Water Resources Inventory Area 32, including ESA listed fish (bull trout, steelhead).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Ecology has exclusive statutory authority under chapter 90.22 RCW to establish minimum instream water flows and closures. Consultation will occur with the Washington Department of Fish and Wildlife and tribes. In establishing instream flows, RCW 90.03.247 directs ecology "to consult with, and carefully consider the recommendations of, the department of fish and wildlife, the department of community, trade, and economic development, the department of agriculture, and representatives of the affected Indian tribes." We will also coordinate with the appropriate federal agencies and other state agencies.

Process for Developing New Rule: We will build on local efforts and draft rule language will be shared with the local watershed planning unit; Washington Departments of Fish and Wildlife, Community, Trade and Economic Development, and Agriculture; tribes; and other interested parties. We will develop and distribute a focus sheet to mailing lists and e-mail lists. We will hold a public hearing to solicit comments from interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Doug Rushton, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6513, drus461@ecy.wa.gov, fax (360) 407-6574. For the latest updates on water resources issues, including Walla Walla

WSR 04-08-068

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Children's Administration)
[Filed April 5, 2004, 3:21 p.m.]

Subject of Possible Rule Making: WAC 388-25-0225 and 388-25-0230 are being amended to include a statement which extends the exemption of good cause to instances where best interest of the child is a determining factor when a referral to the Division of Child Support (DCS) is being considered for children in foster care placements and when the foster child is an adopted child receiving adoption assistance payments. WAC 388-25-0226 will be a new rule which states who may request a good cause determination.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.13.020, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are needed to allow individual facts to be reviewed when a referral to DCS is being initiated against a family with a child in foster care and when the foster child is also an adopted child who receives adoption assistance. The rules will allow the state to create an exception based for good cause.

DSHS Children's Administration (CA) and DCS regulate this subject. CA is authorized to place in foster care children who need protection from child abuse or neglect and children whose mental, emotional, behavioral or physical needs present a risk to their safety and resources do not exist within the family to provide for those needs. DCS must collect child support for services in cases where foster care payments are made on behalf of a child. CA is required to refer all such cases to DCS and submit a good cause claim to DCS where it is determined that an exemption to collect child support exists.

Process for Developing New Rule: DSHS welcomes all interested parties to take part in developing the rules. At a later date, the department will file proposed rules with the Office of the Code Reviser, accept public comments and hold a public hearing. The proposal will be sent to everyone on CA's standard rule notice mailing list, and to anyone who requests a copy. If you wish to receive rule-making notices on this subject, or you have questions about the development of this rule, please contact the person listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lonnie Locke, Department of Social and Health Services, Adoption Support, P.O. Box 45713,

phone (360) 902-7932, fax (360) 902-7903, e-mail lolo300@dshs.wa.gov.

April 2, 2004
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 04-08-069
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed April 5, 2004, 3:22 p.m.]

Subject of Possible Rule Making: Amendment of WAC 388-14A-5001 What procedures does DCS follow to distribute support payments?, to clarify that the date of collection of support is the date that the Division of Child Support (DCS) receives a payment. Possible adoption of new rules or amendments to other related rules as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.23.035, 74.08.090, 74.20A.188, 74.20A-310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DCS seeks to clarify existing rules regarding distribution to make it clear that the date of collection is the date of receipt of payment.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS Division of Child Support (DCS) headquarters as soon as possible. DCS will post information regarding this rule development project and others on its website, which can be found at www.wa.gov/dshs.dcs, or on the DSHS Economic Services Administration's policy review website, which can be found at <http://www1.dshs.wa.gov/esa/extpolicy/>. DSHS/DCS encourages the public to take part in developing the rules. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making, and will send the proposal to everyone currently on the mailing list and to anyone else who requests a copy.

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

April 2, 2004
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 04-08-070
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed April 5, 2004, 3:23 p.m.]

Subject of Possible Rule Making: Chapter 388-827 WAC, State supplementary payment program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.10.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of these rules is to expand the population eligible to receive the state supplementary payment (SSP) administered by the Division of Developmental Disabilities to include individuals who would be eligible for supplemental security income except for the receipt of Social Security Title II benefits as a disabled adult child and to limit SSP eligibility for certain individuals who are on a home and community-based services waiver administered by DDD.

Other DSHS programs involved in this rule include DSHS Aging and Disability Services Administration and Economic Services Administration.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Social Security Administration (SSA) is responsible for approval of plans for states that administer the state supplementary payment program. The state has received approval from SSA to expand the SSP eligible population.

Process for Developing New Rule: The department welcomes public participation in the development of these rules. At a later date, the department will publish proposed rules for public comment, and a public hearing will be held before the rules are adopted as permanent. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Steve Brink, DSHS Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 902-7716, fax (360) 902-8482, e-mail BRINKSC@DSHS.WA.GOV.

March 30, 2004
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 04-08-071
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disabilities Services Administration)
 [Filed April 5, 2004, 3:25 p.m.]

Subject of Possible Rule Making: Chapter 388-825 WAC, Division of Developmental Disabilities services rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.10.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of these rules is to clarify existing notification procedures currently in WAC 388-825-100.

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

Process for Developing New Rule: The department welcomes public participation in the development of these rules. At a later date, the department will publish proposed rules for public comment, and a public hearing will be held before the rules are adopted as permanent. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Steve Brink, DSHS Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 902-7716, fax (360) 902-8482, e-mail BRINKSC@DSHS.WA.GOV.

March 30, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-08-077

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed April 5, 2004, 4:37 p.m.]

Subject of Possible Rule Making: Implementation of rule to establish a process for regulating bail bond recovery agents. The rule may include processes for training, examination, fees, and fingerprinting and firearms certification procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.185 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 18.185 RCW was amended in the 2004 legislative session. The rule must be revised to reflect the new legislative requirements for regulating bail bond recovery agents.

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

Process for Developing New Rule: Agency study; and stakeholder participation.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary Haglund, Department of Licensing, P.O. Box 9649, Olympia, WA 98506-9649, phone (360) 664-6624, fax (360) 570-7888.

April 1, 2004
Mary Haglund
Program Manager

WSR 04-08-078

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed April 5, 2004, 4:38 p.m.]

Subject of Possible Rule Making: Revise training requirements for private security guards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.170 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 18.170 RCW was amended in the 2004 legislative session. The rule must be revised to reflect new training requirements resulting from the legislation.

Process for Developing New Rule: Agency study; and stakeholder participation.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary Haglund, Department of Licensing, P.O. Box 9649, Olympia, WA 98506-9649, phone (360) 664-6624, fax (360) 570-7888.

April 1, 2004
Mary Haglund
Program Manager

WSR 04-08-090

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed April 6, 2004, 12:37 p.m.]

Subject of Possible Rule Making: Chapter 296-24 WAC, General safety and health standards and WAC 296-305-04501 Automotive fire apparatus design and construction.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WISHA is proposing to rewrite and clarify requirements relating to the motor vehicle standard. This rule making is part of our long-term goal to rewrite our general occupational safety and health rules. However, WISHA will be updating requirements to conform to Title 46 RCW, Motor vehicles. In addition, the department may eliminate unnecessary requirements and outdated terminology. Also, L&I will update references to these rules throughout the rest of WISHA's standards. This proposal will move all motor vehicle requirements relating to general industries from chapter 296-24 WAC, General safety and health, and place them in a new chapter.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: In addition, to OSHA the Washington State Patrol regulates motor vehicles. The Washington State Patrol commercial motor vehicle enforcement unit has been notified of this rule making. No other state or federal agencies are known that regulate this subject.

Process for Developing New Rule: The department must adopt rules identical to or at-least-as-effective-as OSHA rules as required by the OSHA/WISHA state plan agreement. Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jamie Scibelli, Administrative Regulations Analyst, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-4568, fax (360) 902-5529, e-mail scij235@lni.wa.gov.

April 6, 2004
Paul Trause
Director

WSR 04-08-095

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH (Dental Quality Assurance Commission)

[Filed April 6, 2004, 2:36 p.m.]

Subject of Possible Rule Making: WAC 246-817-440 Continuing education requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.0365, 18.32.180.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington State Dental Association has requested the Dental Quality Assurance Commission amend the continuing education (CE) rules to increase the number of on-line CE training opportunities.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Anderson, Dental Quality Assurance Commission, P.O. Box 47867, Olympia, WA 98504-7867, (360) 236-4863, or fax (360) 664-9077.

March 23, 2004
Kirby Putscher
for Gail Zimmerman
Executive Director

WSR 04-08-096

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH (Dental Quality Assurance Commission)

[Filed April 6, 2004, 2:37 p.m.]

Subject of Possible Rule Making: WAC 246-817-135 Licensure without examination for dentists—Application procedure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.0365, 18.32.215.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Dentists will be allowed to credential into Washington as long as they are graduates of a dental school approved by the Dental Quality Assurance Commission and are currently engaged in practice in another state. This will aid in increasing the supply of dentists.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Anderson, Dental Quality Assurance Commission, P.O. Box 47867, Olympia, WA 98504-7867, (360) 236-4863, or fax (360) 664-9077.

March 11, 2004
Gail Zimmerman
Executive Director

WSR 04-08-105

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed April 6, 2004, 3:56 p.m.]

Subject of Possible Rule Making: Current rules in chapters 314-20 and 314-24 WAC regarding certificate of approval liquor licenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030 and chapter 160, Laws of 2004.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is reviewing current rules in chapters 314-20 and 314-24 WAC regarding certificate of approval liquor licenses in order to implement SSB 6655 passed during the 2004 legislative session.

Currently only out-of-state manufacturers can ship beer and wine into Washington for resale. SSB 6655 allows an authorized representative to ship in beer and wine (an authorized representative is someone who has an agreement with one or more out-of-state breweries or wineries to sell their beer or wine in Washington). Currently companies or persons who ship foreign-produced beer or wine into Washington state are not required to license and register with the Liquor Control Board. SSB 6655 require such persons or companies to get a certificate of approval, just like suppliers of United States product.

SSB 6655 allows the LCB to set the certificate fee at a level that will allow the agency to cover the costs of administering this program.

Process for Developing New Rule: Input from retail licensees, local governments, and other interested parties will be obtained through series of notices and at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4921, e-mail teb@liq.wa.gov.

April 6, 2004

Merritt D. Long
Chairman

WSR 04-08-106

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed April 6, 2004, 3:57 p.m.]

Subject of Possible Rule Making: Current rules in chapter 314-09 WAC regarding contested liquor license applications and renewals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of its ongoing regulatory improvement process, the Liquor Control Board is reviewing its existing rules and policies regarding contested liquor license applications and renewals.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of the Attorney General and the Office of Administrative Hearings. We will work with these agencies closely before adopting proposed language and after language is proposed.

Process for Developing New Rule: Input from retail licensees, local governments, and other interested parties will be obtained through series of notices and at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4921, e-mail teb@liq.wa.gov.

April 6, 2004

Merritt D. Long
Chairman

WSR 04-08-107

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed April 6, 2004, 3:58 p.m.]

Subject of Possible Rule Making: Current rules in chapters 314-12, 314-02, and 314-16 WAC regarding how to get a liquor license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.010, 66.24.015, 66.24.025.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of its ongoing regulatory improvement process, the Liquor Control Board is reviewing its existing rules and policies regarding the process and requirements for applying for and receiving a liquor license.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Licensing. We will work with the Department of Licensing closely before adopting proposed language and after language is proposed.

Process for Developing New Rule: Input from retail licensees, local governments, and other interested parties will be obtained through series of notices and at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4921, e-mail teb@liq.wa.gov.

April 6, 2004

Merritt D. Long
Chairman

WSR 04-08-108

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed April 6, 2004, 3:58 p.m.]

Subject of Possible Rule Making: Current rules in chapters 314-12, 314-02, and 314-16 WAC and policies regarding liquor licensees that serve alcohol for on-premises consumption.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.44.310, 66.24.410, 66.44.420, 66.04.010(30).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of its ongoing regulatory improvement process, the Liquor Control Board is reviewing its existing rules and policies regarding requirements for liquor licensees that sell alcohol for on-premises consumption, including food service requirements, barrier requirements, floor space requirements, defining a dining room vs. a lounge vs. a game room, and where persons under twenty-one years of age are allowed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Gambling Commission. We will work with the Gam-

bling Commission closely before adopting proposed language and after language is proposed.

Process for Developing New Rule: Input from retail licensees, local governments, and other interested parties will be obtained through series of notices and at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4921, e-mail teb@liq.wa.gov.

April 6, 2004
Merritt D. Long
Chairman

WSR 04-08-109
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD

[Filed April 6, 2004, 3:59 p.m.]

Subject of Possible Rule Making: Current rules in chapter 314-29 WAC regarding violation of Liquor Control Board laws or rules and chapter 314-42 WAC regarding administrative hearings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.08.0501, 66.24.010, 66.24.120, chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of its ongoing regulatory improvement process, the Liquor Control Board is reviewing its existing rules regarding a violation of a Liquor Control Board law or rule and rules regarding administrative hearings.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of the Attorney General and the Office of Administrative Hearings. We will work with these agencies closely before adopting proposed language and after language is proposed.

Process for Developing New Rule: Input from retail licensees, local governments, and other interested parties will be obtained through series of notices and at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4921, e-mail teb@liq.wa.gov.

April 6, 2004
Merritt D. Long
Chairman

WSR 04-08-110
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD

[Filed April 6, 2004, 3:59 p.m.]

Subject of Possible Rule Making: Possible new rules regarding special occasion liquor licenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.375, 66.24.380.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of its ongoing regulatory improvement process, the Liquor Control Board is reorganizing its rule book by subject matter. Currently there are no rules to implement RCW 66.24.375 or 66.24.380, which outline the special occasion liquor license for not-for-profit societies or organizations. The agency is considering adopting rules to implement these laws.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington Secretary of State. We will work with the Secretary of State closely before adopting proposed language and after language is proposed.

Process for Developing New Rule: Input from retail licensees, local governments, and other interested parties will be obtained through series of notices and at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4921, e-mail teb@liq.wa.gov.

April 6, 2004
Merritt D. Long
Chairman

WSR 04-08-114
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

(Board of Boiler Rules)

[Filed April 6, 2004, 4:07 p.m.]

Subject of Possible Rule Making: Board of Boiler Rules—Substantive (chapter 296-104 WAC).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.79 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to make clarification and technical changes to the Board of Boiler Rules—Substantive (chapter 296-104 WAC) based on actions and requests of the Board of Boiler Rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: The Board of Boiler Rules will review and approve all rule changes. Other interested parties and the public may also participate by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robb Marvin, Secretary to Board of Boiler Rules, P.O. Box 44410, Olympia, WA 98504-4410, phone (360) 902-5270, fax (360) 902-5292, e-mail mrod235@lni.wa.gov.

April 6, 2004
Craig Hopkins, Chair
Board of Boiler Rules

WSR 04-08-122

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Administration)

[Filed April 7, 2004, 9:07 a.m.]

Subject of Possible Rule Making: Adding new section(s) and amending other related rules as appropriate in chapter 388-865 WAC to include provisions for consumer peer support services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.24.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Mental Health Division (MHD) is adding new section(s) to chapter 388-865 WAC to include provisions for consumer peer support services to be consistent with the state's 1915(b) waiver from the Center for Medicare and Medicaid Services.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: CMS is the federal funding source for Medicaid recipients of mental health and other services. These WACs are being modified as a result of changes in federal level authorization to conduct mental health services.

Process for Developing New Rule: A representative of consumer, regional support network and provider stakeholders are participants in the process of drafting language as coordinated by MHD. At a later date, the department will file a proposed rule for publication in the State Register, invite public comments and hold a public hearing. The proposal will be sent to everyone on the mailing list to receive rule-making notices on this subject, and to anyone who requests the proposal. If you want to be added to the mailing list, or want information about the development of this rule, please contact the person listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Burns Peterson, Mental Health Division, P.O. Box 45320, Olympia, WA 98504, voice (360) 902-0843, fax (360) 902-7691, e-mail Peterkb@DSHS.wa.gov.

April 5, 2004
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-08-132

PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket No. UW-040375—Filed April 7, 2004, 11:20 a.m.]

Subject of Possible Rule Making: This rule-making inquiry would review jurisdictional provisions of chapter 480-110 WAC, to consider, among other things, amendment of rules relating to the maximum average annual revenue per customer jurisdictional threshold for water companies in WAC 480-110-255 Jurisdiction.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160, and 80.04.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On February 6, 2004, MacKaye Harbor Water Company, Inc. filed a petition to amend WAC 480-110-255 to increase the maximum average annual revenue per customer for nonregulated water companies. On March 31, 2004, the commission denied the petition because the MacKaye proposal applied a standard for raising the jurisdictional threshold different from that authorized by RCW 80.04.010. The current threshold of \$429 average annual revenue per customer has been in effect since December 31, 1999. This rule making would consider whether it is appropriate to raise the jurisdictional threshold as provided in RCW 80.04.010 and, if appropriate, by how much. This rule making may also consider amending WAC 480-110-255 to clarify its regulatory intent.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, and will provide the opportunity for additional comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150.

Interested persons may file written comments on the CR-101 by April 30, 2004. For specific information regarding opportunities for written comment and to ensure receipt of further information concerning this rule making, please see below.

WRITTEN COMMENTS: Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than **April 30, 2004**.

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted by electronic mail to the Commission's Records Center at records@wutc.wa.gov. Please include:

- The docket number of this proceeding (UW-040375),
- The commenting party's name,
- The title and date of the comment or comments.

An alternative method for submitting comments may be [made] by mailing/delivering an electronic copy on a 3 1/2

inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's website all comments that are provided in electronic format. The website is located at <http://www.wutc.wa.gov/040375>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's website as it becomes available. If you wish to receive further information on this rule making you may (1) call the Commission's Records Center at (360) 664-1234, (2) e-mail the commission at <records@wutc.wa.gov>, or (3) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the commission, please refer to Docket No. UW-040375 to ensure that you are placed on the appropriate service list. Questions may be addressed to Danny Kermod, (360) 664-1253 or e-mail at <dkermod@wutc.wa.gov>.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING—The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the Records Center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. UW-040375, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. UW-040375, and the words "Please keep me on the mailing list" to <records@wutc.wa.gov>. Please note that all information in the mailings will be accessible through the commission's Internet website at <<http://www.wutc.wa.gov/040375>>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

April 7, 2004

C. Robert Wallace
for Carole J. Washburn
Executive Secretary

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement 2004 legislative changes that affect chapter 388-96 WAC, Medicaid nursing facility payment system. This CR-101 is a companion to the CR-101 to implement SHB 2242 filed with the code reviser on July 31, 2001, and published as WSR 01-16-136 and the CR-101 filed with the code reviser on March 31, 2003, and published in WSR 03-07-031. One CR-102 will be filed to cover all three CR-101s.

Process for Developing New Rule: The department welcomes public participation in developing and reviewing its Medicaid nursing facility payment regulations. If you would like to be personally notified when draft regulations are ready for review, please contact the staff person indicated below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patricia Hague by fax at (360) 725-2641, e-mail at HaguePE@dshs.wa.gov, or write to the same at ASDA/Office of Rates Management, P.O. Box 45600, Olympia, WA 98504-5600.

April 7, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-08-133

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed April 7, 2004, 11:59 a.m.]

Subject of Possible Rule Making: Chapter 388-96 WAC, Medicaid nursing facility payment system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 74.46 RCW.



WSR 04-07-089
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed March 16, 2004, 10:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-13-044 on June 11, 2003.

Title of Rule: Amending WAC 388-273-0025 Benefits you receive as a WTAP participant, 388-273-0030 How you can apply for WTAP, and 388-273-0035 What we reimburse the local telephone company.

Purpose: These rule changes are necessary to limit reimbursements to telephone companies in order to keep the Washington telephone assistance program (WTAP) fund within budget and to add community service voice mail (CSVM) as a WTAP benefit as mandated by the 2003 legislative session, chapter 134, Laws of 2003.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 80.36.440.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, chapter 80.36 RCW, chapter 134, Laws of 2003.

Summary: These changes clarify the WTAP payment limit for reimbursable services; streamline billing procedures for the WTAP program; and add community service voice mail (CSVM) as a WTAP benefit.

Reasons Supporting Proposal: Since limiting the reimbursement levels by emergency rule on June 1, 2003, the fund has stabilized and monthly expenditures no longer exceed monthly revenues.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve Ebben, 1009 College S.E., Lacey, WA 98504, (360) 413-3096.

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: See Title of Rule, Purpose, Summary, and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See Title of Rule, Purpose, Summary, and Reasons Supporting Proposal above.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Summary of Proposed Rules: The Washington telephone assistance program (WTAP) provides discounts on telephone fees for low-income households. There must be at least one adult in the household receiving Basic Food assistance, temporary assistance for needy families (TANF), state family assistance (SFA), or specific types of medical assistance. Clients contact their local telephone company to apply for WTAP. Services provided through WTAP include the following:

1. Once-a-year waiver of deposit for local service;
2. Once-a-year 50% discount on connection fees;

3. A reduction in the monthly flat fee for telephone services; and

4. A discount on a community service voice mailbox that provides recipients with an individually assigned telephone number, the ability to record a personal greeting, and a private security code to retrieve messages.

In 2003, the legislature permanently authorized WTAP, which previously had been operating under a sunset provision and needed to be reauthorized each year.

The Department of Social and Health Services (DSHS), Economic Services Administration (ESA), Division of Employment and Assistance Programs (DEAP) is proposing to amend via formal rule adoption WAC 388-273-0025 Benefits you receive as a WTAP participant, 388-273-0030 How you can apply for WTAP, and 388-273-0035 What we reimburse the local telephone company. These rules were amended by emergency adoption effective June 1, 2003, in order to maintain WTAP fund solvency.

The proposed amendments to this chapter include:

1. Expanding covered services to include a community service voice mailbox offered by a community agency that has contracted with the Department of Community, Trade and Economic Development (DCTED) to provide the service.

2. Establishing limits to monthly reimbursements to local telephone companies to ensure WTAP remains within established funding.

The purpose of this document is to describe the costs and benefits to small businesses and clients resulting from this rule change. In addition, it addresses the requirements of the Regulatory Fairness Act (RFA) and the Administrative Procedure Act (APA) as it relates to significant legislative rules.

Small Business Economic Impact Statement: Chapter 19.85 RCW, the Regulatory Fairness Act, requires that the economic impact of proposed regulations be analyzed in relation to small businesses and it outlines the information that must be included in a small business economic impact statement (SBEIS). Preparation of an SBEIS is required when a proposed rule has the potential of placing a more than minor economic impact on small businesses. DEAP has analyzed the proposed amendments to its rules and has determined that the rule to establish limits to monthly reimbursements to local telephone companies will have an impact on three out of nineteen small businesses with some costs considered "more than minor" while the remaining sixteen small businesses will not be impacted.

Industry Analysis: DEAP is responsible for development and promulgation of the WAC rules governing the administration of WTAP. The Community Services Division (CSD) within ESA is responsible for the daily operations of the WTAP program. As part of the ongoing daily operations, CSD maintains an internal database that identifies all telephone companies that currently participate in WTAP by providing basic telephone service and which subsequently bill the department for these services. Since internal industry information can be obtained at a more accurate level than is required by chapter 19.85 RCW, it is unnecessary to conduct an industry analysis using the four-digit North American Industry Classification System (NAICS) codes (formerly known as the Standard Industrial Classification (SIC) codes)

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which are published by the United States Department of Commerce. The 2002 NAICS code for Wired Telecommunications Carriers is 517110.

DEAP has determined that there are twenty-eight companies that participate in WTAP, of which, there are nineteen that meet the criteria for small businesses as specified under RCW 19.85.020, e.g., independently owned and employing fifty or fewer employees. *Attachment A - WTAP Providers*, identifies all of the companies providing service to WTAP clients in Washington state, the number of employees, and whether or not the company qualifies as a small business.

Involvement Of Small Businesses: All telephone companies that participate in WTAP, including those classified as small businesses, were provided notification of the proposed changes to the reimbursement rates on May 30, 2003. No comments were received from any small businesses regarding these changes. Comments on the permanent adoption of the rule were solicited in January 2004 thereby providing small business an additional opportunity to participate in the development of the new rules. To date, no comments have been received from any small businesses.

The department receives monthly invoices and billings for administrative costs, discounted monthly service, and discounted connection fees from all of the telephone companies that participate in WTAP. This up-to-date monthly information was used in developing the cost benefits and economic impacts contained in this statement.

Evaluation of Probable Costs and Probable Benefits: Since the proposed amendments "make significant amendments to a policy or regulatory program" (see RCW 34.05.-328 (5)(c)(iii)), the ESA's DEAP has determined the proposed rules to be "significant" as defined by the legislature.

As required by RCW 34.05.328 (1)(c), the ESA's DEAP has analyzed the probable costs and probable benefits of the proposed amendments, taking into account both the qualitative and quantitative benefits and costs. The businesses impacted by these rules are telephone companies that participate in WTAP.

Cost Of Compliance: The effect of the rule change was to place a limit on the amount of monthly service fees that a telephone company could be reimbursed from the WTAP fund for providing discounted monthly service to participating WTAP clients. Prior to June 1, telephone companies were free to charge the WTAP fund for monthly service without limitation under the existing Washington Administrative Codes. After June 1, the amount telephone companies were allowed to charge the WTAP fund for discounted monthly service was limited to the lesser of: (1) The existing rate that was available to incumbent telephone companies providing service in the client's exchange area, or (2) \$19.00.

In order to demonstrate the impact of the rate limit, cost estimates were developed using the 129,117 WTAP clients being served for the month of June. These estimates use client caseload data from February and May for two of the small businesses which was the last month for which data was available. The focus of this analysis is to assess the impact on the monthly fees for discounted basic telephone service being paid out of the WTAP fund before and after the implementation of the June 1 rate limit and their effects on small businesses and clients. This rule change did not impact the

amount the vendors were being paid for administrative costs per client or for discounted connection fees.

Total reimbursements to vendors would have been approximately \$1,187,484.45 without the limit in place. With the limit in place, vendor reimbursements were reduced to \$673,813.58 which represented a savings of \$513,670.87 to the WTAP fund. The reimbursement rates being paid to vendors ranged from a low of \$1.81 to a high of \$50.00 per client. After implementation of the rate limit, the reimbursement rates ranged from a low of \$1.81 to a high of \$18.50 per client. See *Attachment B: Comparison of Residential Rate Costs for All Vendors* for an illustration of the effect of the rate limit on all vendors operating in the state of Washington who serve WTAP clients.

Further analysis has indicated that of the twenty-eight vendors, there were four that experienced reduced reimbursements under the rate limit imposed on June 1. The remaining twenty-four vendors did not experience a loss of revenue due to the rate limitation. Of those four that were impacted, there were three that are classified as small businesses while the remaining sixteen small businesses were not affected. *Attachment C: Comparison of Residential Rate Costs for Impacted Vendors* illustrates the effect of the June 1 rate limit imposed on the four impacted vendors again using the June number of WTAP clients being served.

Without the rate limit in place, the WTAP fund was being depleted which would have resulted in termination of the program. If this were the case, the cost of obtaining telephone services would have shifted to the clients. To illustrate the cost burden this would place on clients, refer to *Attachment D: Client Impacts From Program Discontinuation*. This table uses the WTAP client caseload for June and identifies the monthly basic rate for all twenty-four vendors. The monthly cost for clients with the program still in operation was \$516,468 based upon the \$4.00 monthly rate that clients were required to pay in June. The amount which clients saved with the WTAP program in place ranged from a low of \$4.90 to a high of \$50.99 per client. If the program were to be eliminated, these clients would be required to pay the basic rate for continued service which ranged from a low of \$8.47 to a high of \$54.99 per client. The total cost to clients would have been an estimated \$2,088,424.69, which represents a monthly cost increase of \$1,571,956.69 over the amount paid with the program in place and the client copay set at \$4.00 per client.

While four vendors would have experienced a monthly net loss of an estimated \$513,670.87, the client population would have experienced a monthly cost increase of an estimated \$1,571,956.69, assuming that all of the WTAP clients elected to continue telephone service at the basic rate established by each vendor. This cost burden would impose a significant financial hardship on low-income families that can ill afford it—families that rely on financial, food, and medical assistance to meet their basic critical needs.

Summation—Disproportionate Impact and Mitigation: Monthly expenditures from the WTAP fund were exceeding monthly revenues so a rate limit was imposed on discounted monthly service. With the rate limit in place, monthly expenditures no longer exceeded monthly revenues but there were four vendors identified that have experienced

a significant impact from the rule change. Three of these vendors are classified as small businesses.

In looking at the largest 10% of vendors, the effect of this rule change did not have an impact upon their revenues. The two largest vendors, QWEST (82,359 customers) and Verizon Northwest (19,723 customers) accounted for over 78% of the WTAP caseload. Because three out of the nineteen small businesses have been negatively impacted by this rate change, it has been demonstrated that this rule change has had a disproportionate effect on small businesses, as defined under the Regulatory Fairness Act. Although three small businesses have experienced a decrease in their monthly revenues due to the rate change, the cost of shifting the expense of telephone service to the existing client populations exceeds the reductions experienced by the four impacted vendors.

Without the rate limit in effect, the fund would have become insolvent by July 2003. With the rate limit in effect, the fund remained solvent. This is illustrated in *Attachment E: WTAP Fund Solvency* which projects the program balance with and without the rate change in effect.

If the department were to mitigate the effects of this rule change on small business by continuation of the reimbursement rates at the pre-June 1, 2003, level, the program would

have become insolvent by July 2003 and the department would have had to terminate the program. Therefore, in accordance with RCW 19.85.030(2), the department has determined that it is not feasible to mitigate the effects of this rule change on small businesses.

Summary of Benefits: With these proposed rule changes, the program remains solvent and continues to provide discounts on telephone fees to approximately 108,000 low-income families each month - telephone service that is not merely a convenience, but provides access to emergency services when needed, as well as to information about jobs, services, and other supports that assist these families in moving to self-sufficiency and off public assistance.

In addition, all twenty-eight participating telephone companies continue to receive reimbursement for administrative costs, discounted connection fees, and discounted monthly service fees. Therefore, ESA determines that the benefits to the proposed rule changes outweigh the costs.

Agency Contact: Steve Ebben, Policy Analyst, Program Policy and Planning, Mailstop 45470, Division of Employment and Assistance Programs, Economic Services Administration, phone (360) 413-3096, e-mail ebbenst@dshs.wa.gov

PROPOSED

Attachment A: WTAP Vendors

Vendor	Area Code	Phone Number	E-mail Address	Number of Employees in Washington State	Small Business	Total Small Businesses
Pam Gallagher Asotin Telephone PO Box 5901 Madison, WI 53705-0901	503	656-8399 Gail Long	gail.long@tdstelecom.com	4	Yes	19
Lisa L. Moglia Comcast Corporation (AT&T) 1500 Market St. W. Tower Philadelphia, PA 19102-2148	215	320-8667	lisa_moglia@cable.comcast.com	2,933	No	1
Linda Gordon Grizzly Telephone PO Box 3508 Missoula, MT 59806	406	721-6209	immurf2@aol.com	9	Yes	1
Lauren Hanson Ellensburg Telephone PO Box 308 Ellensburg, WA 98926	509	962-0213	gailj@elltel.com laurenh@elltel.com	60	No	0
Dawn Thompson Hood Canal Telephone PO Box 249 Union, WA 98592	360	898-3296	dawnmt@hctc.com	25	Yes	1
James Brooks Inland Telephone PO Box 171 Roslyn, WA 98941	509	649-2211	jbrooks@inlandnet.com	99	No	0
Teresa Zimmerman Kalama Telephone PO Box 1067 Kalama, WA 98625	360	264-2915	teninot@thurston.com	10	Yes	1

Vendor	Area Code	Phone Number	E-mail Address	Number of Employees in Washington State	Small Business	Total Small Businesses 19
Dori Grecco Lewis River (TDS Telecom) PO Box 218 Lacenter, WA 98269	503	656-8399	Gail Long gail.long@tdstelecom.com	13	Yes	1
Kay Bonner M & L - Skyline Telephone PO Box 10 Midvale, ID 83645	208	355-2580	kay@ruralnetwork.net	1	Yes	1
Sandy Walch Mashell Telephone PO Box 639 Eatonville, WA 98328	360	832-4361	swalch@rainierconnect.com	29	Yes	1
Dorothy McCoy McDaniel - TDS PO Box 30 Salkum, WA 98582	503	656-8399	Gail Long gail.long@tdstelecom.com	15	Yes	1
Carleton Terrell PTI-Century Telephone PO Box 4065 Monroe, LA 71211-4065	318	388-9092	carlton.terrell@centurytel.com	1 included in Coviche total	Yes	1
Mel Clark Pend Orielle Telephone 704 W. Madison Avenue Glenns Ferry, ID 83623-2372	208	Debbie 366-2614	Debbie Walter dwalter@ruraltelephone.com	12	Yes	1
Terri Baker Pioneer Telephone PO Box 207 Lacrosse, WA 99143	509	549-3511	pcc@pionnet.com	6	Yes	1
Alan Kunugi Qwest Communications 120 Lenora Ninth Floor Seattle, WA 98101	206	345-1037	akunugi@qwest.com lisa.espinosa@qwest.com	5,432	No	0
Sandy Walch Rainier Cable PO Box 639 Eatonville, WA 98328	360	832-4361	swalch@rainierconnect.com	24	Yes	1
Chris Chushuk Sprint NW/United 6450 Sprint Parkway MS:KSOPHNO214-2A564 Overland Park, KS 66215	913	315-9310	chris.chushuk@mail.sprint.com	83	No	0
Donna Loomis St. John Telephone PO Box 268 St. John, WA 99171	509	648-3322	dloomis@stjohncable.com	5	Yes	1
Tel Net PO Box 42448 Portland, OR 97242	503	Sandy 238-7110	telnet@qwest.net	4	Yes	1
Jeff Swickard Tel West Communications PO Box 94400 Seattle, WA 98124	206	Debra 315-3637	dmcbride@telwestcommunications.com	52	No	0
Teresa Zimmerman Tenino Telephone PO Box 4005 Tenino, WA 98589-4005	360	264-2915	teninot@thurston.com	12	Yes	1

PROPOSED

Vendor	Area Code	Phone Number	E-mail Address	Number of Employees in Washington State	Small Business	Total Small Businesses
Carol Turner Toledo Telephone PO Box 669 Toledo, WA 98591	360	864-4552	carol@toledotel.com	15	Yes	19 1
Les Munjas Verizon Washington- CONTEL Verizon Washington-GTE 600 Hidden Ridge HQE01E61 PO Box 152092 Irving, TX 78015	425	261-6380	linda.fogg@verizon.com michael.chopp@verizon.com joan.gage@verizon.com sara.lauer@verizon.com les.munjas@verizon.com lynette.ormsby@verizon.com larry.sexton@verizon.com	51 221,000 (Nationally)	No	0
Stan Efferding Vilaire Communications 7619 Burgess St. West Lakewood, WA 98499	206	419-5948	vilair@attbi.com vilair@comcast.net	11	Yes	1
Peggy Dotson Wahkiakum West Teleco PO Box 99 Grays River, WA 98621	360	465-2211	Peggy Dotson pdotson@wwest.net	20	Yes	1
Whidbey Telephone 14888 SR 525 Langley, WA 98260	360	Carol 321-1111	mary.posz@whidbeytel.com sandy.ferre@whidbeytel.com trish.mason@whidbeytel.com	120	No	0
Lauren Hanson YCOM (Yelm) Teleco PO Box 308 Ellensburg, WA 98926	509	962-0213	Lauren Hanson laurenh@elltel.com	34	Yes	1

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Proposed

Company	Basic Monthly Rate	WTAP Monthly Rate Before Rule Change	Monthly Rate After Rule Change	Net Impact of Rate Change Per Client	Monthly Number of Clients	Total Monthly Reimbursements Before Rule Change	Total Monthly Reimbursements After Rule Change	Total Monthly Net Impact of Rate Change	Share of WTAP Caseload
Asotin	\$17.20	\$9.70	\$9.70	\$0.00	68	\$659.60	\$659.60	\$0.00	0.0527%
Comcast (AT&T)	\$12.25	\$4.75	\$4.75	\$0.00	2,185	\$10,378.75	\$10,378.75	\$0.00	1.6923%
Ellensburg Telephone	\$8.47	\$1.81	\$1.81	\$0.00	744	\$1,346.64	\$1,346.64	\$0.00	0.5762%
Grizzly Telephone	\$49.99	\$45.99	\$5.00	-\$40.99	213	\$9,795.87	\$1,065.00	-\$8,730.87	0.1650%
Hood Canal Telephone	\$10.50	\$3.17	\$3.17	\$0.00	17	\$53.89	\$53.89	\$0.00	0.0132%
Inland Telephone	\$13.80	\$6.30	\$6.30	\$0.00	71	\$447.30	\$447.30	\$0.00	0.0550%
Kalama Telephone	\$13.00	\$5.50	\$5.50	\$0.00	64	\$352.00	\$352.00	\$0.00	0.0496%
TDS-Salkum/McDaniel Telco	\$14.30	\$6.80	\$6.80	\$0.00	200	\$1,360.00	\$1,360.00	\$0.00	0.1549%
TDS-Lewis River	\$26.00	\$18.50	\$18.50	\$0.00	108	\$1,998.00	\$1,998.00	\$0.00	0.0836%
Mashelle	\$13.75	\$6.25	\$6.25	\$0.00	116	\$725.00	\$725.00	\$0.00	0.0898%
M&L-Skyline Telephone	\$19.50	\$15.50	\$15.50	\$0.00	24	\$372.00	\$372.00	\$0.00	0.0186%
Pend Orielle Telephone	\$12.25	\$5.75	\$5.75	\$0.00	137	\$787.75	\$787.75	\$0.00	0.1061%
Pioneer-Lacrosse	\$9.00	\$2.17	\$2.17	\$0.00	30	\$65.10	\$65.10	\$0.00	0.0232%
PTI-Century Tel	\$15.90	\$8.40	\$8.40	\$0.00	4,781	\$40,160.40	\$40,160.40	\$0.00	3.7028%
Qwest	\$12.50	\$5.00	\$5.00	\$0.00	82,359	\$411,795.00	\$411,795.00	\$0.00	63.7863%
Rainier Cable	\$12.50	\$4.00	\$4.00	\$0.00	3	\$12.00	\$12.00	\$0.00	0.0023%
Sprint NW-United	\$8.90	\$4.65	\$4.65	\$0.00	2,384	\$11,085.60	\$11,085.60	\$0.00	1.8464%
St. John Telephone	\$9.50	\$2.50	\$2.50	\$0.00	15	\$37.50	\$37.50	\$0.00	0.0116%
Tel Net	\$49.00	\$45.00	\$5.00	-\$40.00	82	\$3,690.00	\$410.00	-\$3,280.00	0.0635%
Tel West	\$49.99	\$50.00	\$5.00	-\$45.00	5,940	\$297,000.00	\$29,700.00	-\$267,300.00	4.6005%
Tenino Telephone	\$12.00	\$4.50	\$4.50	\$0.00	118	\$531.00	\$531.00	\$0.00	0.0914%
Toledo Telephone	\$10.94	\$3.46	\$3.46	\$0.00	83	\$287.18	\$287.18	\$0.00	0.0643%
Verizon Contel	\$13.00	\$5.50	\$5.50	\$0.00	3,628	\$19,954.00	\$19,954.00	\$0.00	2.8099%
Verizon Northwest	\$13.00	\$5.50	\$5.50	\$0.00	19,723	\$108,476.50	\$108,476.50	\$0.00	15.2753%
Vilaine	\$54.99	\$50.00	\$5.00	-\$45.00	5,208	\$260,400.00	\$26,040.00	-\$234,360.00	4.0336%
Wahkiakum Telco	\$13.40	\$5.90	\$5.90	\$0.00	29	\$171.10	\$171.10	\$0.00	0.0225%
Whidbey Telephone	\$9.40	\$2.43	\$2.43	\$0.00	189	\$459.27	\$459.27	\$0.00	0.1464%
YCOM (Yelm)	\$16.00	\$8.50	\$8.50	\$0.00	598	\$5,083.00	\$5,083.00	\$0.00	0.4631%
Total					129,117	\$1,187,484.45	\$673,813.58	-\$513,670.87	99.9473%

[9]

Note: This report displays a comparative representation of caseload makeup with numbers available at current time.
 Actual totals will vary slightly after final numbers received in future months.
 *Used 04/2003 client data, last month for which caseload numbers are available.

NOTE: Used 02/2003 caseload, last month for which data available.

NOTE: Used 05/2003 caseload, last month for which data available.

H:Caseloadcomp

WASHINGTON TELEPHONE ASSISTANCE PROGRAM
 Monthly Residential Costs & Caseload-SC300

June 2, 2003

Company	Small Business	Basic Monthly Rate	WTAP Monthly Rate Before Rule Change	Monthly Rate After Rule Change	Net Impact of Rate Change Per Client	Monthly Number of Clients	Total Monthly Reimbursements Before Rule Change	Total Monthly Reimbursements After Rule Change	Total Monthly Net Impact of Rate Change	Share of WTAP Caseload
Grizzly Telephone	Yes	\$49.99	\$45.99	\$5.00	-\$40.99	213	\$9,795.87	\$1,065.00	-\$8,730.87	0.0016
Tel Net	Yes	\$49.00	\$45.00	\$5.00	-\$40.00	82	\$3,690.00	\$410.00	-\$3,280.00	0.0006
Tel West	No	\$49.99	\$50.00	\$5.00	-\$45.00	5,940	\$297,000.00	\$29,700.00	-\$267,300.00	0.0460
Vilaire	Yes	\$54.99	\$50.00	\$5.00	-\$45.00	5,208	\$260,400.00	\$26,040.00	-\$234,360.00	0.0403
Impacted Clients						11,443				0.0886
Clients at other 24 companies						117,674				0.9114
Totals						129,117	\$570,885.87	\$57,215.00	-\$513,670.87	1.0000

Note: This report displays a comparative representation of caseload makeup with numbers available at current time. Actual totals will vary slightly after final numbers received in future months.

H:Caseloadcomp

PROPOSED

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Proposed

Washington State Register, Issue 04-08

WSR 04-07-089

Company	Basic Monthly Rate	WTAP Monthly Client Cost	Client Savings	Monthly Number of Clients	Program Continuation Total Monthly Client Cost	Program Continuation Total Monthly Client Savings	Program Discontinuation Total Monthly Client Cost	Share of WTAP Caseload
Asotin	\$17.20	\$4.00	\$13.20	68	\$272.00	\$897.60	\$1,169.60	0.0527%
Comcast (AT&T)	\$12.25	\$4.00	\$8.25	2,185	\$8,740.00	\$18,026.25	\$26,766.25	1.6923%
Ellensburg Telephone	\$8.47	\$4.00	\$4.47	744	\$2,976.00	\$3,325.68	\$6,301.68	0.5762%
Grizzly Telephone	\$49.99	\$4.00	\$45.99	213	\$852.00	\$9,795.87	\$10,647.87	0.1650%
Hood Canal Telephone	\$10.50	\$4.00	\$6.50	17	\$68.00	\$110.50	\$178.50	0.0132%
Inland Telephone	\$13.80	\$4.00	\$9.80	71	\$284.00	\$695.80	\$979.80	0.0550%
Klarna Telephone	\$13.00	\$4.00	\$9.00	64	\$256.00	\$576.00	\$832.00	0.0496%
TDS-Salkum/McDaniel Telco	\$14.30	\$4.00	\$10.30	200	\$800.00	\$2,060.00	\$2,860.00	0.1549%
TDS-Lewis River	\$26.00	\$4.00	\$22.00	108	\$432.00	\$2,376.00	\$2,808.00	0.0836%
Mashelle	\$13.75	\$4.00	\$9.75	116	\$464.00	\$1,131.00	\$1,595.00	0.0898%
M&L-Skyline Telephone	\$19.50	\$4.00	\$15.50	24	\$96.00	\$372.00	\$468.00	0.0186%
Pend Orielle Telephone	\$12.25	\$4.00	\$8.25	137	\$548.00	\$1,130.25	\$1,678.25	0.1061%
Pioneer-Lacrosse	\$9.00	\$4.00	\$5.00	30	\$120.00	\$150.00	\$270.00	0.0232%
PTI-Century Tel	\$15.90	\$4.00	\$11.90	4,781	\$19,124.00	\$56,893.90	\$76,017.90	3.7028%
Qwest	\$12.50	\$4.00	\$8.50	82,359	\$329,436.00	\$700,051.50	\$1,029,487.50	63.7863%
Rainier Cable	\$12.50	\$4.00	\$8.50	3	\$12.00	\$25.50	\$37.50	0.0023%
Sprint NW-United	\$8.90	\$4.00	\$4.90	2,384	\$9,536.00	\$11,681.60	\$21,217.60	1.8464%
St. John Telephone	\$9.50	\$4.00	\$5.50	15	\$60.00	\$82.50	\$142.50	0.0116%
Tel Net	\$49.00	\$4.00	\$45.00	82	\$328.00	\$3,690.00	\$4,018.00	0.0635%
Tel West	\$49.99	\$4.00	\$45.99	5,940	\$23,760.00	\$273,180.60	\$296,940.60	4.6005%
Tenino Telephone	\$12.00	\$4.00	\$8.00	118	\$472.00	\$944.00	\$1,416.00	0.0914%
Toledo Telephone	\$10.94	\$4.00	\$6.94	83	\$332.00	\$576.02	\$908.02	0.0643%
Verizon Contel	\$13.00	\$4.00	\$9.00	3,628	\$14,512.00	\$32,652.00	\$47,164.00	2.8099%
Verizon Northwest	\$13.00	\$4.00	\$9.00	19,723	\$78,892.00	\$177,507.00	\$256,399.00	15.2753%
Vilaine	\$54.99	\$4.00	\$50.99	5,208	\$20,832.00	\$265,555.92	\$286,387.92	4.0336%
Wahkiakum Telco	\$13.40	\$4.00	\$9.40	29	\$116.00	\$272.60	\$388.60	0.0225%
Whidbey Telephone	\$9.40	\$4.00	\$5.40	189	\$756.00	\$1,020.60	\$1,776.60	0.1464%
YCOM (Yelm)	\$16.00	\$4.00	\$12.00	598	\$2,392.00	\$7,176.00	\$9,568.00	0.4631%
Total				129,117	\$516,468.00	\$1,571,956.69	\$2,088,424.69	99.9473%

Note: This report displays a comparative representation of caseload makeup with numbers available at current time. Actual totals will vary slightly after final numbers received in future months.

NOTE: Used 02/2003 caseload, last month for which data available

NOTE: Used 05/2003 caseload, last month for which data available.

Attachment E: WTAP Fund Solvency

Projected Fund Balance Without Rate Limit In Effect	May-03	Jun-03	Jul-03
Monthly Program Revenue		\$437,000	\$416,667
Monthly WTAP Outlay		\$1,187,484	\$1,187,484
Treasury Fund Balance	\$1,228,100	\$477,616	-\$293,201
Projected Fund Balance With Rate Limit In Effect	May-03	Jun-03	Jul-03
Monthly Program Revenue		\$437,000	\$416,667
Monthly WTAP Outlay		\$673,813	\$673,813
Treasury Fund Balance	\$1,228,100	\$991,287	\$734,141

A copy of the statement may be obtained by writing to Steve Ebben, Policy Analyst, Economic Services Administration, Division of Employment and Assistance Programs, Mailstop 45470, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3096, fax (360) 413-3493.

RCW 34.05.328 applies to this rule adoption. These amendments meet the definition of significant legislative rules. A small business economic impact statement, which contains a cost benefit analysis, has been completed, and may be obtained from the person listed above.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on May 11, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by May 7, 2004, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaa@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaa@dshs.wa.gov, by 5:00 p.m., May 11, 2004.

Date of Intended Adoption: Not earlier than May 12, 2004.

March 12, 2004
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-18-106, filed 9/3/02, effective 10/4/02)

WAC 388-273-0025 Benefits you receive as a WTAP participant. (1) WTAP participants receive a:

(a) Discount on local telephone flat rate services, when the flat rate is more than the WTAP assistance rate;

(b) Waiver of deposit requirements on local telephone service; ~~((and))~~

(c) Fifty percent discount on service connection fees through June 30, 2003. Effective July 1, 2003, fifty percent discount for the first connection; and for a second or subse-

quent connection when you ask for service at a new address. Any connection fee discounts available from other programs are added to the WTAP discount, to pay part or all of the remaining fifty percent; or

(d) Effective July 1, 2003, a community service voice mail box offered by a community agency that has been contracted with the department of community, trade and economic development to provide the service.

(2) WTAP benefits are limited to one residential line per household.

~~(3) ((The deposit waiver and the discount on connection fees are available once per service year. "Service year" means the period beginning July 1 and ending June 30 of the following calendar year.~~

~~(4))~~ Your benefits begin the date you are approved for WTAP assistance and continue through the next June 30, except if you qualified for telephone assistance through using the community services voice mail programs, you will receive one additional service year of benefits(~~(:~~

~~(5))~~ . "Service year" means the period beginning July 1 and ending June 30 of the following calendar year.

(4) WTAP benefits do not include charges for line extension, optional extended area service, optional mileage, customer premises equipment, applicable taxes or delinquent balances owed to the telephone company.

AMENDATORY SECTION (Amending WSR 01-09-023, filed 4/9/01, effective 6/1/01)

WAC 388-273-0030 How you can apply for WTAP.

(1) You can apply for ~~((WTAP))~~ telephone benefits by contacting the local telephone company.

(2) The telephone company contacts us to verify that you are eligible for benefits under WAC 388-273-0020 before they add WTAP to your telephone account.

(3) You will know you are receiving WTAP benefits when you have a WTAP credit on your telephone bill.

(4) Effective July 1, 2003, you can apply for community service voice mail by contacting your local community service voice mail provider.

AMENDATORY SECTION (Amending WSR 01-09-023, filed 4/9/01, effective 6/1/01)

WAC 388-273-0035 What we reimburse the local telephone company. (1) Within available funding limits, we reimburse local telephone companies for fully documented administrative and program expenses associated with WTAP. The reimbursable expenses are limited to:

(a) Program services provided to eligible households June 1, 2003 and beyond, and after eligibility for WTAP is verified;

(i) Monthly flat rate service.

We reimburse the local telephone company an amount equal to the monthly flat rate of the incumbent local exchange carrier providing service in the customer's exchange area, minus the WTAP assistance rate set by the commission, and minus the amount of federal lifeline program reimbursement available to an eligible telecommunications carrier. An "incumbent local exchange carrier" is a telephone company in the U.S. that was providing local service when the Tele-

communications Act of 1996 was enacted, and is required to file tariffs with the commission. For all exchange areas, the WTAP reimbursement shall be limited to not more than nineteen dollars for each eligible household.

(ii) Connection fee.

We reimburse the local telephone company an amount equal to one-half the connection fee rate or twenty-two dollars, whichever is less.

(iii) Waiver of local deposit.

We reimburse the local telephone company an amount up to two times the WTAP assistance rate.

(b) Correct, verifiable billing items;

(c) ~~((Invoices))~~ One monthly invoice and supporting documentation submitted ((within ninety days)) and received by WTAP by the fifteenth day following the month the expense occurred;

(d) Items charged in error that have been corrected within ~~((sixty))~~ thirty days from the date we return the report of invoicing error to the local phone company;

(e) Salaries and benefits for time required to implement and maintain WTAP, with the exception that time required for the correction of billing, case number and client identification errors is not an allowable expense;

(f) Travel expenses for attending hearings, meetings, or training pertaining to WTAP;

(g) Expenses for supplies and materials for implementing and maintaining WTAP;

(h) Postage and handling for delivery of WTAP material;

(i) Administrative charge for change of service orders specified by tariffs; and

(j) Pre-approved documented indirect costs associated with implementing and maintaining WTAP.

WSR 04-07-188

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed March 24, 2004, 11:30 a.m.]

Original Notice.

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

Title of Rule: Chapter 251-30 WAC, Combined fund drive and chapter 356-60 WAC, Combined fund drive.

Purpose: Incorporate the provisions of SB 5156 (2003) regarding the combined fund drive into chapter 251-30 WAC for higher education and chapter 356-60 WAC for state agencies.

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

Summary: The modifications to chapters 251-30 and 356-60 WAC reflect changes made by SB 5156 in 2003.

Reasons Supporting Proposal: Bring the WACs up to date with current law.

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

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The changes to these rules will reflect the changes made by SB 5156 passed by the legislature in 2003.

Proposal Changes the Following Existing Rules: See above.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on May 13, 2004, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by May 7, 2004, TDD (360) 753-4107 or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by May 7, 2004.

Date of Intended Adoption: May 13, 2004.

March 24, 2004

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 02-17-114, filed 8/21/02, effective 9/30/02)

WAC 356-60-010 Combined Fund Drive Committee established. (1) In accordance with RCW ~~((41.04.035, 41.04.036))~~ 41.04.033 through 41.04.039 and RCW 41.04.230 ~~((and in order to implement Senate Bill 6372))~~ and Executive Order EO 01-01, a committee is established to conduct a single, annual, consolidated effort to secure funds for distribution to ~~((agencies))~~ not-for-profit organizations engaged in charitable, ~~((and))~~ public health, public welfare and social services, environmental or arts purposes.

(2) The committee shall be known as the Washington state combined fund drive committee and referred to in these rules as the CFD committee.

(3) The CFD committee shall be composed of not more than twelve members appointed by the governor for three year terms. Appointments shall be consistent with Executive Order 01-01. ~~((The members shall be selected from the following groups:~~

~~((a) Public employees' unions;~~

~~((b) The legislative branch;~~

~~((c) The judicial branch;~~

~~((d) State agencies;~~

~~((e) Higher education institutions;~~

~~((f) Elected officials;~~

~~((g) Retired public employees;~~

~~((h) Other groups as may be recommended by the director of the department of personnel.))~~

(4) The CFD committee shall have the following responsibilities:

~~((4))~~ (a) ((The committee shall)) Meet to conduct necessary business, elect a chairperson annually, and elect such other officers as may be needed. Fifty percent of the appointed members shall constitute a quorum for the conduct of business. A majority vote of the quorum will be needed to carry a motion.

PROPOSED

(b) Organize and effect one solicitation effort for charitable donations each year.

(c) Establish standards and criteria for participation in the fund drive. The standards and criteria will be incorporated into the application printed and distributed by the CFD. The application will be completed and submitted by those not-for-profit organizations and federations seeking approval to participate in the CFD campaign. Changes in the standards and criteria shall be made only after 60 days notice is given.

(d) Evaluate each application, based on its standards and criteria, and determine which not-for-profit organizations or federations are approved to participate in the annual CFD campaign.

(e) Establish staff and volunteer positions and committees as necessary to assist in the annual CFD campaign. An organizational chart is available from the CFD Committee through the Department of Personnel, P.O. Box 47500, Olympia WA 98504-7500.

(f) Determine and recover its reasonable administrative expenses to conduct the CFD campaign.

(g) Develop the official CFD campaign and publicity materials. The CFD committee may contract for marketing services to develop the CFD campaign material in a manner that is consistent with RCW 41.04.0332.

(h) Establish a procedure for CFD staff to collect, process and deposit individual employees contributions during the annual fundraising. Contributions from fundraising efforts shall be deposited into the CFD account in the custody of the state Treasurer according to state laws.

(i) Engage a CFD program manager to exercise general supervision over all operations of the CFD and strive to take necessary steps for the achievement of CFD campaign objectives. The CFD program manager establishes and maintains the official list of agency, higher education institutions and local CFD campaign committee volunteers and the geographical area each covers. The CFD program manager will forward all disputes to the CFD committee for resolution.

(5) Based on pledges received for an annual CFD campaign, when the annual net contribution for any participating organization or federation is estimated at two hundred fifty dollars or less, the CFD committee may direct the contributions be made in a lump sum at the end of the CFD campaign year to the recipient organization or federation.

(6) The CFD Committee shall direct that payments originally pledged to an organization or federation that has been decertified, is in receivership, has filed for or been placed in bankruptcy, or has been or is in the process of being dissolved, shall be returned to donors. If the CFD committee determines it is not feasible to return such funds to donors, it shall determine the appropriate disposition of the funds.

((5)) (7) Members of the CFD committee shall serve without additional salary, but shall be reimbursed by their (employing agencies) state employers for travel, lodging and meals in accordance with state law and regulations. Public retirees, who qualify, will receive normal travel, lodging and meal expenses reimbursed or paid by CFD.

((6) The committee shall be a policy committee which shall organize and effect one solicitation effort each year.

~~(7) The committee shall establish standards and criteria for participation in the fund drive. (WAC 356-60-040 and 356-60-050.)~~

~~(8) The committee shall print and distribute an application form which agencies shall use to apply for participation in the fund drive.~~

~~(9) The committee shall evaluate each application, based on its criteria, and determine which agencies engaged in charitable and public health, welfare and social service purposes shall participate in one annual combined effort to secure funds from state employees through payroll deduction or other payment method.~~

~~(10) The committee may establish departmental combined fund drive leaders, local combined fund drive coordinators, local campaign steering committees and local campaign managers to assist in the fund drive.))~~

(8) The CFD committee may enter into contracts and partnerships with a private institution, persons, firms or corporations for the benefit of the beneficiaries of the CFD. The CFD committee may also engage in advertising activities for the support of the administrative duties of the CFD. However, CFD activities shall not result in the direct commercial solicitation of state employees or in a benefit or advantage that would violate one or more provisions of chapter 42.52 RCW, the state ethics law.

~~((11))~~ (9) Agency directors, elected officials, and higher education presidents may allow employees the opportunity to serve as CFD campaign executives to assist in the conduct of the ((state's annual charitable)) CFD campaign. The CFD campaign executive opportunity is a rotational assignment that develops leadership, communication, and teamwork skills that will benefit the employing organization upon the employee's return. Those appointed as CFD campaign executives remain on the payroll of their employing organization during this assignment.

~~((12))~~ (10) State agencies and higher education institutions, at their discretion, are authorized to use reasonable state resources to support, promote, and conduct the annual combined fund drive campaign within their organization. Reasonable uses are not excessive in volume or frequency and do not interfere with, disrupt, or distract from the performance of the agency mission.

~~((13))~~ (11) The department of personnel shall provide the administrative support for the operation of the committee.

~~((14) All costs such as printing of brochures, preparation of slide presentations, and other promotional costs shall be the responsibility of those organizations designated to participate in the distribution of all funds collected. In circumstances where promotional costs cannot be associated with an individual charitable service organization, the costs shall be shared in a percentage relating to the total funds distributed.))~~

AMENDATORY SECTION (Amending WSR 02-17-114, filed 8/21/02, effective 9/30/02)

WAC 356-60-020 Purposes and scope. (1) The following rules are promulgated to implement a ((payroll deduction plan)) charitable CFD campaign for the efficient, long-term collection of voluntary employee and public agency retiree contributions to qualifying charitable, ((human health and

welfare)) not-for-profit organizations. By establishing a uniform policy toward charitable fund raising efforts among state employees and public agency retirees, the state hopes to encourage generosity in voluntary financial support for the charitable services of the qualified participating organizations and participating federations.

(2) The intent of these ~~((regulations))~~ rules is to:

(a) Lessen the burdens of government and of local communities in meeting the needs of human health and welfare;

(b) Provide a convenient channel through which state employees and public agency retirees may contribute to the efforts of the ~~((qualifying voluntary health and welfare))~~ participating organizations and federations providing services in the community or region where the employees and public agency retirees live and work and overseas;

(c) Minimize both the disruption of the state work place and the costs to taxpayers ~~((that))~~ caused by multiple charitable fund drives ~~((have caused))~~; and

(d) Ensure that ~~((recipient agencies))~~ participating organizations and federations are fiscally responsible in the uses of the moneys so raised.

(3) The CFD campaign is the only authorized formal solicitation of Washington state employees in the workplace on behalf of participating not-for-profit organizations and federations. A CFD campaign may be conducted during a seven-week period, from September 1 to December 15, as determined by each state agency and higher education institution in accordance with these rules. In extraordinary circumstances, the CFD committee may consider granting approval for solicitations at other times.

(4) These rules in WAC 356-60 do not apply to the collection of gifts-in-kind, such as food, clothing and toys.

AMENDATORY SECTION (Amending WSR 02-17-114, filed 8/21/02, effective 9/30/02)

WAC 356-60-030 Definitions. (1) CFD Committee - The Washington state combined fund drive (CFD) committee described in WAC ~~((356-60-010))~~ 356-60-030.

~~((2) State combined fund drive campaign - An arrangement by which the committee provides one or more other participating organizations with the opportunity to receive funds contributed to them in the annual campaign, based on their compliance with the regulations herein.))~~

(2) CFD - Washington state combined fund drive.

(3) CFD campaign - The annual period of organized solicitation of state employees and public agency retirees. This solicitation is conducted to obtain voluntary contributions, donations and charitable commitments to be allocated to approved, not-for-profit participating organizations and federations, during the ensuing year of contributions.

~~((3) Participating organization - A health and welfare agency whose application has been accepted by the committee.))~~

(4) Participating organization - A public 170 (c)(1) or private 501 (c)(3) not-for-profit organization whose application is approved by the CFD committee to participate in the CFD campaign.

~~((4) Annual campaign - The once-a-year period of organized solicitation of state employees and public agency retirees~~

~~conducted annually to obtain voluntary contributions from state employees and public agency retirees for charitable commitments to be allocated during the ensuing year of contributions.))~~

(5) Federation - A public or private not-for-profit umbrella organization made up of five or more individual member organizations approved by the CFD committee to participate in the CFD campaign.

~~((5))~~ (6) Year of contributions - The annual calendar year for collection of the voluntary payroll deductions for charitable contributions authorized by state employees and public agency retirees pursuant to these ~~((regulations))~~ rules. The normal, full annual calendar year of contributions shall begin with January and end with the ensuing December.

~~((6))~~ (7) ~~((Health and welfare agency))~~ Not-for-profit organization - ~~((The terms "voluntary agency," "voluntary health and welfare agency," "voluntary charitable agency," and "voluntary charitable health and welfare agency" mean an))~~ An organization that is ~~((organized and))~~ operated for the purpose of rendering, or of materially or financially supporting the rendering of, one or more of the following services ~~((for the benefit of human beings))~~:

(a) Delivery of health care to ill or infirm individuals;

(b) Education and training of personnel for the delivery of health care to ill or infirm individuals;

(c) Health research for the benefit of ill or infirm individuals;

(d) Delivery of education, training, and care to physically and mentally handicapped individuals;

(e) Treatment, care, rehabilitation, and counseling of juvenile delinquents, criminals, released convicts, persons who abuse drugs or alcohol, persons who are victims of intra-family violence or abuse, persons who are otherwise in need of social adjustment and rehabilitation, and the families of such persons;

(f) Relief of victims of crime, war, casualty, famine, natural disasters, and other catastrophes and emergencies;

(g) Neighborhood and community-wide social services that directly assist needy, poor, and indigent individuals, including provision of emergency relief and shelter, recreation, transportation, the preparation and delivery of meals, educational opportunities, and job training;

(h) Protection of families that, on account of economic or other need, poverty, indigence, or emergency, are in long-term or short-term need of family, child care, and maternity services, child and marriage counseling, foster care, and guidance or assistance in the management and maintenance of the home and household;

(i) Relief of needy, poor, and indigent infants and children, and of orphans, including the provision of adoption services;

(j) Relief of needy, poor, and indigent adults and of the elderly;

(k) Delivery of services or assistance that conserve, protect, or restore the environment;

(l) Delivery of services or assistance to threatened or endangered species;

(m) Delivery of services in the performing, visual, literary and media arts.

~~((7))~~ (8) Local presence - Demonstration of direct and substantial presence in the local CFD campaign community through:

(a) The availability of services, such as examinations, treatments, inoculations, preventive care, counseling, training, scholarship assistance, transportation, feeding, institutionalization, shelter, and clothing to persons working or residing in the local CFD campaign community~~((:))~~; or

(b) The presence within the local CFD campaign community, or within reasonable commuting distance thereof, of a facility at which services may be obtained, such as an office, clinic, mobile unit, field agency, or direct provider, or specific demonstrable effects of research, such as personnel or facilities engaged therein or specific local applications thereof~~((:))~~; or

(c) The availability to persons working or residing in the local CFD campaign community of communication with the voluntary charitable agency by means of home visits, transportation, or telephone calls, provided by the voluntary agency at no charge to the recipient or beneficiary of the service.

(d) Any not-for-profit federation or charitable organization whose services are rendered exclusively or in substantial preponderance overseas, and that meets all the criteria set forth in these rules, except for the requirement of local presence, and is approved by the CFD committee, shall be eligible to be a participating federation or participating organization.

~~((8))~~ (9) Overseas - Areas outside of the District of Columbia and the fifty states of the United States of America.

(10) State employer - Washington state agencies and higher education institutions.

NEW SECTION

WAC 356-60-032 Establishing a local CFD campaign. (1) Each state employer may establish local CFD campaigns within the geographical area it covers.

(2) Each state employer and local county committee may develop promotional and fundraising events, provide training and recognition to CFD local coordinators, develop marketing plans, supervise CFD campaign executives, and expend state or CFD funds to conduct the local CFD campaign.

(3) The annual CFD campaign begins on September 1 and ends on December 15. Each year the director of each state agency and president of each higher education institution may determine the time period of the CFD campaign within the September 1 to December 15 timeframe. Each annual CFD campaign normally is conducted for a seven-week period. However in unusual circumstances, the individual state employers may extend the seven week period as local conditions require. The CFD campaign shall not extend beyond December 15.

(4) Employees and public agency retirees may be solicited for contributions using payroll deduction, checks, money orders, credit cards, cash or electronic methods.

(5) State employers may grant permission to participating organizations and federations to distribute material related to the CFD campaign during work hours. During the CFD campaign, participating not-for-profit organizations

may distribute or orally share bonafide educational materials describing their services or programs. All CFD participating organizations must be given an equal opportunity for communication in a state employer's local CFD campaign. The local state employer may grant sharing of oral information by participating organizations if the agency or institution determines such communication is not disruptive to the local state office or institution.

(6) This section shall not be construed to require a state employer to distribute or arrange for oral or written information other than the official CFD campaign and publicity material.

(7) Solicitations of employees shall be conducted during duty hours using methods that permit true voluntary giving and shall reserve to the individual the option of disclosing any gift or keeping it confidential to the extent confidentiality is permitted by law. Campaign kick-offs, recognition events, awards and other non-solicitation events to build support for the CFD are encouraged.

(8) Special CFD fundraising events, such as drawings, auctions, bake sales, carnivals, athletic events, or other activities not specifically provided for in these rules are permitted 30 days prior to and during the annual CFD campaign if approved, in advance, by the state employer.

(9) At the discretion of each state employer, state employees may be authorized to attend CFD promotional and fundraising events on state work time.

NEW SECTION

WAC 356-60-034 CFD campaign expenses. (1) The CFD committee shall recover from the gross receipts of the CFD campaign, or state appropriations, its reasonable administrative expenses to conduct the CFD campaign. The CFD committee will approve an annual budget to determine the administrative fee to be charged to the beneficiaries of the CFD.

(2) Fundraising expenses shall not be taken or deducted from donations collected during a fundraising event. These fundraising expenses may be paid by the state agency or higher education institution, and, then, upon request and submission of proper documentation, reimbursed by the CFD.

(3) The CFD campaign expenses will be shared proportionately by all the participating not-for-profit organizations and federations reflecting their individual percentage share of gross CFD campaign receipts.

AMENDATORY SECTION (Amending WSR 02-17-114, filed 8/21/02, effective 9/30/02)

WAC 356-60-055 Determination of eligibility—Procedure for reconsideration. (1) Using the information supplied under this chapter and the standards and criteria set forth in ~~((WAC 356-60-040 and 356-60-050))~~ the application form, the CFD committee will determine which ~~((agencies and which federated))~~ not-for-profit organizations and federations are eligible to participate in annual ~~((state combined fund-drive))~~ CFD campaigns. ~~((Any agency or federated organization determined not to be eligible may, within fifteen days after receiving notice of noneligibility, request reconsideration in writing, submitting responsive materials relating to~~

PROPOSED

the noneligibility notice in support of the request at the same time. The committee will duly reconsider the eligibility of the requesting agency or federated organization and will issue written notice of its final decision on eligibility within thirty days of receiving the request. Any decision on reconsideration will be a final determination of eligibility.) If a not-for-profit organization or federation is determined not to be eligible, the CFD committee will provide written notice of its determination, including a description of the determination made, the date and by whom it was made, the basis for the determination, and the procedure for requesting reconsideration.

(2) The following process will be used for requests for reconsideration of noneligibility:

(a) Within fifteen calendar days after receiving notice of noneligibility, an affected organization or federation may submit a written request for reconsideration to the CFD committee. Requests for reconsideration and any supporting materials must be based solely on new or additional information that was not available to the CFD committee at the time the initial determination was made.

(b) Within thirty calendar days of receiving the request for reconsideration, the CFD committee will issue a written decision. The CFD Committee's reconsideration decision is final.

(c) The CFD committee may extend the time periods established in this section if it determines there is good cause to do so.

(d) Any written requests or notices made under this section will be deemed received three business days after deposit in the United States mail, properly stamped and addressed.

((For the purposes of this section, any written requests or notices will be presumed to be received no more than three business days after mailing:))

AMENDATORY SECTION (Amending WSR 02-17-114, filed 8/21/02, effective 9/30/02)

WAC 356-60-057 Decertification and disqualification. (1) Once approved for participation, any ~~((health and welfare agency))~~ participating organization or ~~((federated organization))~~ federation may be decertified and disqualified from participation in the ~~((state employee))~~ combined fund drive campaign by majority vote of the CFD committee for ~~((any))~~ one or more of the following reasons:

(a) ~~((Failure))~~ Failing to comply with the rules contained in this chapter;

(b) Filing an application to participate in the state combined fund drive campaign which contains false or intentionally misleading information; or

(c) ~~((An))~~ Receiving an annual contribution pledge from an annual CFD campaign of two hundred fifty dollars or less.

(2) ((Any decertified health and welfare agency or federated organization shall be disqualified from participating in the next state employee combined fund drive campaign:)) The CFD committee will provide written notice of the decertification decision, including a description of the determination made, the date and by whom it was made, the basis for the determination, and the procedure for requesting reconsideration.

(a) Decertification is effective on the first day of the following year's CFD campaign. A decertified organization or federation is disqualified from participating in the CFD campaign as of that effective date.

(b) Payments of contributions to a decertified organization or federation will cease on the last day of the current year's CFD campaign. Payments received after that date but originally pledged to an organization or federation that is decertified shall be disbursed as directed by the CFD committee.

(3) ((The committee may order that the annual net estimated contribution for any health and welfare agency or federated organization receiving an annual pledge of two hundred fifty dollars or less in an annual campaign may be made in a lump sum at the end of the year of contributions:)) Requests for reconsideration of a decertification decision shall be governed by the procedures set forth for reconsideration of eligibility in WAC 356-60-055.

(((4) Any health and welfare agency or federated organization decertified under subsection (1)(a) or (b) of this section shall have any further payment of contributions terminated. The committee shall determine the method of disbursement of any future payments originally pledged in an annual campaign to such health and welfare agency or federated organization.

(5) Any decertified health and welfare agency or federated organization may request reconsideration of the committee's action using the procedures described under WAC 356-60-055:))

NEW SECTION

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

<u>Old WAC Number</u>	<u>New WAC Number</u>
WAC 356-60-010	WAC 356-60-030
WAC 356-60-020	WAC 356-60-010
WAC 356-60-030	WAC 356-60-020

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 356-60-040	Basic standards and criteria for agency membership applicable to all agencies.
WAC 356-60-050	Required characteristics of eligible federations (umbrella organizations).
WAC 356-60-060	Qualifications for local campaign manager.

AMENDATORY SECTION (Amending WSR 02-17-114, filed 8/21/02, effective 9/30/02)

WAC 251-30-010 Combined Fund Drive Committee established. (1) In accordance with RCW ((41.04.035, 41.04.036)) 41.04.033 through 41.04.039 and RCW 41.04.-230 ((and in order to implement Senate Bill 6372)) and Executive Order EO 01-01, a committee is established to conduct a single, annual, consolidated effort to secure funds for distribution to ((agencies)) not-for-profit organizations engaged in charitable, ((and)) public health, public welfare and social services, environmental or arts purposes.

(2) The committee shall be known as the Washington ((employee)) state combined fund drive committee and referred to in these rules as the CFD committee.

(3) The CFD committee shall be composed of not more than twelve members appointed by the governor for three year terms. Appointments shall be consistent with Executive Order 01-01. ((The members shall be selected from the following groups:

- (a) Public employees' unions;
- (b) The legislative branch;
- (c) The judicial branch;
- (d) State agencies;
- (e) Higher education institutions;
- (f) Elected officials;
- (g) Retired public employees;
- (h) Other groups as may be recommended by the director of the department of personnel.))

(4) The CFD committee shall have the following responsibilities:

((4)) (a) ((The committee shall)) Meet to conduct necessary business, elect a chairperson annually, and elect such other officers as may be needed. Fifty percent of the appointed members shall constitute a quorum for the conduct of business. A majority vote of the quorum will be needed to carry a motion.

(b) Organize and effect one solicitation effort for charitable donations each year.

(c) Establish standards and criteria for participation in the fund drive. The standards and criteria will be incorporated into the application printed and distributed by the CFD. The application will be completed and submitted by those not-for-profit organizations and federations seeking approval to participate in the CFD campaign. Changes in the standards and criteria shall be made only after 60 days notice is given.

(d) Evaluate each application, based on its standards and criteria, and determine which not-for-profit organizations or federations are approved to participate in the annual CFD campaign.

(e) Establish staff and volunteer positions and committees as necessary to assist in the annual CFD campaign. An organizational chart is available from the CFD Committee through the Department of Personnel, P.O. Box 47500, Olympia WA 98504-7500.

(f) Determine and recover its reasonable administrative expenses to conduct the CFD campaign.

(g) Develop the official CFD campaign and publicity materials. The CFD committee may contract for marketing services to develop the CFD campaign material in a manner that is consistent with RCW 41.04.0332.

(h) Establish a procedure for CFD staff to collect, process and deposit individual employee contributions during the annual fundraising. Contributions from fundraising efforts shall be deposited into the CFD account in the custody of the state Treasurer according to state laws.

(i) Engage a CFD program manager to exercise general supervision over all operations of the CFD and strive to take necessary steps for the achievement of CFD campaign objectives. The CFD program manager establishes and maintains the official list of agency, higher education institutions and local CFD campaign committee volunteers and the geographical area each covers. The CFD program manager will forward all disputes to the CFD committee for resolution.

(5) Based on pledges received for an annual CFD campaign, when the annual net contribution for any participating organization or federation is estimated at two hundred fifty dollars or less, the CFD committee may direct the contributions be made in a lump sum at the end of the CFD campaign year to the recipient organization or federation.

(6) The CFD Committee shall direct that payments originally pledged to an organization or federal that has been decertified, is in receivership, has filed for or been placed in bankruptcy, or has been or is in the process of being dissolved, shall be returned to donors. If the CFD committee determines it is not feasible to return such funds to donors, it shall determine the appropriate disposition of the funds.

((5)) (7) Members of the CFD committee shall serve without additional salary, but shall be reimbursed by their ((employing agencies)) state employers for travel, lodging and meals in accordance with state law and regulations. Public retirees, who qualify, will receive normal travel, lodging and meal expenses reimbursed or paid by CFD.

((6) The committee shall be a policy committee which shall organize and effect one solicitation effort each year.

(7) The committee shall establish standards and criteria for participation in the fund drive. (WAC 251-30-040 and 251-30-050.)

(8) The committee shall print and distribute an application form which agencies shall use to apply for participation in the fund drive.

(9) The committee shall evaluate each application, based on its criteria, and determine which agencies engaged in charitable and public health, welfare and social service purposes shall participate in one annual combined effort to secure funds from state employees through payroll deduction or other payment method.

(10) The committee may establish departmental combined fund drive leaders, local combined fund drive coordinators, local campaign steering committees and local campaign managers to assist in the fund drive.))

(8) The CFD committee may enter into contracts and partnerships with a private institution, persons, firms or corporations for the benefit of the beneficiaries of the CFD. The CFD committee may also engage in advertising activities for the support of the administrative duties of the CFD. However, CFD activities shall not result in the direct commercial solicitation of state employees or in a benefit or advantage that would violate one or more provisions of chapter 42.52 RCW, the state ethics law.

PROPOSED

~~((11))~~ (9) Agency directors, elected officials, and higher education presidents may allow employees the opportunity to serve as CFD campaign executives to assist in the conduct of the ~~((state's annual charitable))~~ CFD campaign. The CFD campaign executive opportunity is a rotational assignment that develops leadership, communication, and teamwork skills that will benefit the employing organization upon the employee's return. Those appointed as CFD campaign executives remain on the payroll of their employing organization during this assignment.

~~((12))~~ (10) State agencies and higher education institutions, at their discretion, are authorized to use reasonable state resources to support, promote, and conduct the annual combined fund drive campaign within their organization. Reasonable uses are not excessive in volume or frequency and do not interfere with, disrupt, or distract from the performance of the agency mission.

~~((13))~~ (11) The department of personnel shall provide the administrative support for the operation of the committee.

~~((14) All costs such as printing of brochures, preparation of slide presentations, and other promotional costs shall be the responsibility of those organizations designated to participate in the distribution of all funds collected. In circumstances where promotional costs cannot be associated with an individual charitable service organization, the costs shall be shared in a percentage relating to the total funds distributed.))~~

AMENDATORY SECTION (Amending WSR 02-17-114, filed 8/21/02, effective 9/30/02)

WAC 251-30-020 Purposes and scope. (1) The following rules are promulgated to implement a ~~((payroll deduction plan))~~ charitable CFD campaign for the efficient, long-term collection of voluntary employee and public agency retiree contributions to qualifying charitable, ~~((human health and welfare))~~ not-for-profit organizations. By establishing a uniform policy toward charitable fund raising efforts among state employees and public agency retirees, the state hopes to encourage generosity in voluntary financial support for the charitable services of the qualified participating organizations and participating federations.

(2) The intent of these ~~((regulations))~~ rules is to:

(a) Lessen the burdens of government and of local communities in meeting the needs of human health and welfare;

(b) Provide a convenient channel through which state employees and public agency retirees may contribute to the efforts of the ~~((qualifying voluntary health and welfare))~~ participating organizations and federations providing services in the community or region where the employees and public agency retirees live and work and overseas;

(c) Minimize both the disruption of the state work place and the costs to taxpayers ~~((that))~~ caused by multiple charitable fund drives ~~((have caused));~~ and

(d) Ensure that ~~((recipient agencies))~~ participating organizations and federations are fiscally responsible in the uses of the moneys so raised.

(3) The CFD campaign is the only authorized formal solicitation of Washington state employees in the workplace on behalf of participating not-for-profit organizations and federations. A CFD campaign may be conducted during a

seven-week period, from September 1 to December 15, as determined by each state agency and higher education institution in accordance with these rules. In extraordinary circumstances, the CFD committee may consider granting approval for solicitations at other times.

(4) These rules in WAC 251-30 do not apply to the collection of gifts-in-kind, such as food, clothing and toys.

AMENDATORY SECTION (Amending WSR 02-17-114, filed 8/21/02, effective 9/30/02)

WAC 251-30-030 Definitions. (1) CFD Committee - The Washington state combined fund drive (CFD) committee described in WAC ~~((251-30-010))~~ 251-30-030.

~~((2) State combined fund drive campaign - An arrangement by which the committee provides one or more other participating organizations with the opportunity to receive funds contributed to them in the annual campaign, based on their compliance with the regulations herein.))~~

(2) CFD - Washington state combined fund drive.

(3) CFD campaign - The annual period of organized solicitation of state employees and public agency retirees. This solicitation is conducted to obtain voluntary contributions, donations and charitable commitments to be allocated to approved, not-for-profit participating organizations and federations, during the ensuing year of contributions.

~~((3) Participating organization - A health and welfare agency whose application has been accepted by the committee.))~~

(4) Participating organization - A public 170 (c)(1) or private 501 (c)(3) not-for-profit organization whose application is approved by the CFD committee to participate in the CFD campaign.

~~((4) Annual campaign - The once a year period of organized solicitation of state employees and public agency retirees conducted annually to obtain voluntary contributions from state employees and public agency retirees for charitable commitments to be allocated during the ensuing year of contributions.))~~

(5) Federation - A public or private not-for-profit umbrella organization made up of five or more individual member organizations approved by the CFD committee to participate in the CFD campaign.

~~((5))~~ (6) Year of contributions - The annual calendar year for collection of the voluntary payroll deductions for charitable contributions authorized by state employees and public agency retirees pursuant to these ((regulations)) rules. The normal, full annual calendar year of contributions shall begin with January and end with the ensuing December.

~~((6))~~ (7) ~~((Health and welfare agency))~~ Not-for-profit organization - ((The terms "voluntary agency," "voluntary health and welfare agency," "voluntary charitable agency," and "voluntary charitable health and welfare agency" mean an)) An organization that is ((organized and)) operated for the purpose of rendering, or of materially or financially supporting the rendering of, one or more of the following services ((for the benefit of human beings)):

(a) Delivery of health care to ill or infirm individuals;

(b) Education and training of personnel for the delivery of health care to ill or infirm individuals;

(c) Health research for the benefit of ill or infirm individuals;

(d) Delivery of education, training, and care to physically and mentally handicapped individuals;

(e) Treatment, care, rehabilitation, and counseling of juvenile delinquents, criminals, released convicts, persons who abuse drugs or alcohol, persons who are victims of intra-family violence or abuse, persons who are otherwise in need of social adjustment and rehabilitation, and the families of such persons;

(f) Relief of victims of crime, war, casualty, famine, natural disasters, and other catastrophes and emergencies;

(g) Neighborhood and community-wide social services that directly assist needy, poor, and indigent individuals, including provision of emergency relief and shelter, recreation, transportation, the preparation and delivery of meals, educational opportunities, and job training;

(h) Protection of families that, on account of economic or other need, poverty, indigence, or emergency, are in long-term or short-term need of family, child((-)care, and maternity services, child and marriage counseling, foster care, and guidance or assistance in the management and maintenance of the home and household;

(i) Relief of needy, poor, and indigent infants and children, and of orphans, including the provision of adoption services;

(j) Relief of needy, poor, and indigent adults and of the elderly;

(k) Delivery of services or assistance that conserve, protect, or restore the environment;

(l) Delivery of services or assistance to threatened or endangered species;

(m) Delivery of services in the performing, visual, literary and media arts.

~~((7))~~ (8) Local presence - Demonstration of direct and substantial presence in the local CFD campaign community through:

(a) The availability of services, such as examinations, treatments, inoculations, preventive care, counseling, training, scholarship assistance, transportation, feeding, institutionalization, shelter, and clothing to persons working or residing in the local CFD campaign community((-)); or

(b) The presence within the local CFD campaign community, or within reasonable commuting distance thereof, of a facility at which services may be obtained, such as an office, clinic, mobile unit, field agency, or direct provider, or specific demonstrable effects of research, such as personnel or facilities engaged therein or specific local applications thereof((-)); or

(c) The availability to persons working or residing in the local CFD campaign community of communication with the voluntary charitable agency by means of home visits, transportation, or telephone calls, provided by the voluntary agency at no charge to the recipient or beneficiary of the service.

(d) Any not-for-profit federation or charitable organization whose services are rendered exclusively or in substantial preponderance overseas, and that meets all the criteria set forth in these rules, except for the requirement of local presence, and is approved by the CFD committee, shall be eligi-

ble to be a participating federation or participating organization.

~~((8))~~ (9) Overseas - Areas outside of the District of Columbia and the fifty states of the United States of America.

(10) State employer - Washington state agencies and higher education institutions.

NEW SECTION

WAC 251-30-032 Establishing a local CFD campaign. (1) Each state employer may establish local CFD campaigns within the geographical area it covers.

(2) Each state employer and local county committee may develop promotional and fundraising events, provide training and recognition to CFD local coordinators, develop marketing plans, supervise CFD campaign executives, and expend state or CFD funds to conduct the local CFD campaign.

(3) The annual CFD campaign begins on September 1 and ends on December 15. Each year the director of each state agency and president of each higher education institution may determine the time period of the CFD campaign within the September 1 to December 15 timeframe. Each annual CFD campaign normally is conducted for a seven-week period. However in unusual circumstances, the individual state employers may extend the seven week period as local conditions require. The CFD campaign shall not extend beyond December 15.

(4) Employees and public agency retirees may be solicited for contributions using payroll deduction, checks, money orders, credit cards, cash or electronic methods.

(5) State employers may grant permission to participating organizations and federations to distribute material related to the CFD campaign during work hours. During the CFD campaign, participating not-for-profit organizations may distribute or orally share bonafide educational materials describing their services or programs. All CFD participating organizations must be given an equal opportunity for communication in a state employer's local CFD campaign. The local state employer may grant sharing of oral information by participating organizations if the agency or institution determines such communication is not disruptive to the local state office or institution.

(6) This section shall not be construed to require a state employer to distribute or arrange for oral or written information other than the official CFD campaign and publicity material.

(7) Solicitations of employees shall be conducted during duty hours using methods that permit true voluntary giving and shall reserve to the individual the option of disclosing any gift or keeping it confidential to the extent confidentiality is permitted by law. Campaign kick-offs, recognition events, awards and other non-solicitation events to build support for the CFD are encouraged.

(8) Special CFD fundraising events, such as drawings, auctions, bake sales, carnivals, athletic events, or other activities not specifically provided for in these rules are permitted 30 days prior to and during the annual CFD campaign if approved, in advance, by the state employer.

PROPOSED

(9) At the discretion of each state employer, state employees may be authorized to attend CFD promotional and fundraising events on state work time.

NEW SECTION

WAC 251-30-034 CFD campaign expenses. (1) The CFD committee shall recover from the gross receipts of the CFD campaign, or state appropriations, its reasonable administrative expenses to conduct the CFD campaign. The CFD committee will approve an annual budget to determine the administrative fee to be charged to the beneficiaries of the CFD.

(2) Fundraising expenses shall not be taken or deducted from donations collected during a fundraising event. These fundraising expenses may be paid by the state agency or higher education institution and, then, upon request and submission of proper documentation, reimbursed by the CFD.

(3) The CFD campaign expenses will be shared proportionately by all the participating not-for-profit organizations and federations reflecting their individual percentage share of gross CFD campaign receipts.

AMENDATORY SECTION (Amending WSR 02-17-114, filed 8/21/02, effective 9/30/02)

WAC 251-30-055 Determination of eligibility—Procedure for reconsideration. (1) Using the information supplied under this chapter and the standards and criteria set forth in (~~WAC 251-30-040 and 251-30-050~~) the application form, the CFD committee will determine which (~~agencies and which federated organizations~~) not-for-profit organizations and federations are eligible to participate in annual (~~state combined fund drive~~) CFD campaigns. (~~Any agency or federated organization determined not to be eligible may, within fifteen days after receiving notice of noneligibility, request reconsideration in writing, submitting responsive materials relating to the noneligibility notice in support of the request at the same time. The committee will duly reconsider the eligibility of the requesting agency or federated organization and will issue written notice of its final decision on eligibility within thirty days of receiving the request. Any decision on reconsideration will be a final determination of eligibility.~~) If a not-for-profit organization or federation is determined not to be eligible, the CFD committee will provide written notice of its determination, including a description of the determination made, the date and by whom it was made, the basis for the determination, and the procedure for requesting reconsideration.

(2) The following process will be used for requests for reconsideration of noneligibility:

(a) Within fifteen calendar days after receiving notice of noneligibility, an affected organization or federation may submit a written request for reconsideration to the CFD committee. Requests for reconsideration and any supporting materials must be based solely on new or additional information that was not available to the CFD committee at the time the initial determination was made.

(b) Within thirty calendar days of receiving the request for reconsideration, the CFD committee will issue a written

decision. The CFD Committee's reconsideration decision is final.

(c) The CFD committee may extend the time periods established in this section if it determines there is good cause to do so.

(d) Any written requests or notices made under this section will be deemed received three business days after deposit in the United States mail, properly stamped and addressed.

((For the purposes of this section, any written requests or notices will be presumed to be received no more than three business days after mailing.))

AMENDATORY SECTION (Amending WSR 02-17-114, filed 8/21/02, effective 9/30/02)

WAC 251-30-057 Decertification and disqualification. (1) Once approved for participation, any (~~health and welfare agency~~) participating organization or (~~federated organization~~) federation may be decertified and disqualified from participation in the (~~state employee~~) combined fund drive campaign by majority vote of the CFD committee for (~~any~~) one or more of the following reasons:

(a) ((Failure)) Failing to comply with the rules contained in this chapter;

(b) Filing an application to participate in the state combined fund drive campaign which contains false or intentionally misleading information; or

(c) ((An)) Receiving an annual contribution pledge from an annual CFD campaign of two hundred fifty dollars or less.

(2) ((Any decertified health and welfare agency or federated organization shall be disqualified from participating in the next state employee combined fund drive campaign.)) The CFD committee will provide written notice of the decertification decision, including a description of the determination made, the date and by whom it was made, the basis for the determination, and the procedure for requesting reconsideration.

(a) Decertification is effective on the first day of the following year's CFD campaign. A decertified organization or federation is disqualified from participating in the CFD campaign as of that effective date.

(b) Payments of contributions to a decertified organization or federation will cease on the last day of the current year's CFD campaign. Payments received after that date but originally pledged to an organization or federation that is decertified shall be disbursed as directed by the CFD committee.

(3) ((The committee may order that the annual net estimated contribution for any health and welfare agency or federated organization receiving an annual pledge of two hundred fifty dollars or less in an annual campaign may be made in a lump sum at the end of the year of contributions.)) Requests for reconsideration of a decertification decision shall be governed by the procedures set forth for reconsideration of eligibility in WAC 251-30-055.

((4) Any health and welfare agency or federated organization decertified under subsection (1)(a) or (b) of this section shall have any further payment of contributions terminated. The committee shall determine the method of disbursement of any future payments originally pledged in an

~~annual campaign to such health and welfare agency or federated organization.~~

~~(5) Any decertified health and welfare agency or federated organization may request reconsideration of the committee's action using the procedures described under WAC 251-30-055.)~~

NEW SECTION

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

<u>Old WAC Number</u>	<u>New WAC Number</u>
WAC 251-30-010	WAC 251-30-030
WAC 251-30-020	WAC 251-30-010
WAC 251-30-030	WAC 251-30-020

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 251-30-040	Basic standards and criteria for agency membership applicable to all agencies.
WAC 251-30-050	Required characteristics of eligible federations (umbrella organizations).
WAC 251-30-060	Qualifications for local campaign manager.

WSR 04-08-001

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF LICENSING

[Filed March 24, 2004, 2:46 p.m.]

The Department of Licensing filed WSR 04-07-047 with your office on March 10, 2004, [it] is hereby withdrawn.

Steve Boruchowitz
Vehicle Services
Projects and Planning Office

WSR 04-08-004

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF LICENSING

[Filed March 24, 2004, 4:33 p.m.]

The Department of Licensing hereby withdraws proposed rule WAC 308-420-200 Salesperson registrations, filed with your office on February 18, 2004, as part of WSR 04-05-097, regarding camping resorts.

Trudie Touchette
Administrator

WSR 04-08-008 PROPOSED RULES BOARD OF PILOTAGE COMMISSIONERS

[Filed March 25, 2004, 10:32 a.m.]

Original Notice.

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

Title of Rule: Pilotage rates for the Puget Sound pilotage district.

Purpose: To establish a Puget Sound pilotage district annual tariff.

Other Identifying Information: WAC 363-116-300.

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: Chapter 88.16 RCW.

Summary: The proposed rule reflects a 15.5% decrease in all categories except transportation to be charged for pilotage services in the Puget Sound pilotage district for the 2004-2005 tariff year.

Reasons Supporting Proposal: RCW 88.16.035 requires that a tariff be set annually.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Board of Pilotage Commissioners, 2911 2nd Avenue, Suite 100, Seattle, WA 98121, (206) 515-3904.

Name of Proponent: Puget Sound pilots, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Current rates for the Puget Sound pilotage district expire on June 30, 2004. New rates must be set annually.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule as proposed by the Puget Sound pilots would decrease the tariff for pilotage services in the Puget Sound pilotage district by 15.5% from the present tariff in all categories except transportation.

Proposal Changes the Following Existing Rules: The proposed rule is a 15.5% decrease from the existing tariff in all categories except transportation.

The board may adopt a rule that varies from the proposed rule upon consideration of presentations and written comments from other interested parties and the public.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule is being considered in the context of the required annual revision to the rates charged for pilotage services.

The Washington State Board of Pilotage Commissioners concludes that implementation of this new rule imposes no impact on businesses in the shipping industry and, therefore, a small business economic impact statement is not required according to RCW 19.85.030 (1)(a).

RCW 34.05.328 does not apply to this rule adoption. The Washington State Board of Pilotage Commissioners is not a listed agency in RCW 34.05.328 (5)(a)(i).

Hearing Location: 2911 2nd Avenue, Level B Conference Room, Seattle, WA 98121, on May 13, 2004, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Peggy Larson by May 10, 2004.

PROPOSED

Submit Written Comments to: Captain Harry Dudley, Chairman, 2911 2nd Avenue, Suite 100, Seattle, WA 98121, fax (206) 515-3906, by May 6, 2004.

Date of Intended Adoption: May 13, 2004.

March 24, 2004
Peggy Larson
Administrator

PROPOSED

AMENDATORY SECTION (Amending WSR 03-12-019, filed 5/28/03, effective 7/1/03)

WAC 363-116-300 Pilotage rates for the Puget Sound pilotage district. Effective 0001 hours July 1, ~~((2003))~~ 2004, through 2400 hours June 30, ~~((2004))~~ 2005.

CLASSIFICATION	RATE
Ship length overall (LOA)	
Charges:	per LOA rate schedule in this section
Boarding fee:	\$(40.00) <u>34.00</u>
Per each boarding/deboarding at the Port Angeles pilot station.	
Harbor shift - Live ship (Seattle Port)	LOA Zone I
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I
Harbor shift Dead ship	Double LOA Zone I
Dead ship towing charge:	Double LOA
LOA of tug + LOA of tow + beam of tow	Zone

Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

Waterway and bridge charges:

Ships up to 90' beam:

A charge of ~~\$(211.00)~~ 178.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle, south of Eleventh Street in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of ~~\$(101.00)~~ 85.00 per bridge.

Ships 90' beam and/or over:

A charge of ~~\$(286.00)~~ 242.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle and south of Eleventh Street in any of the Tacoma waterways. Any vessel movements required to

transit through bridges shall have an additional charge of ~~\$(200.00)~~ 169.00 per bridge.

(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)

Two or three pilots required:

In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.

Compass adjustment	\$(285.00) <u>241.00</u>
Radio direction finder calibration	\$(285.00) <u>241.00</u>
Launching vessels	\$(428.00) <u>362.00</u>
Trial trips, 6 hours or less (Minimum \$(804.00) <u>678.00</u>)	\$(134.00) <u>113.00</u> per hr.
Trial trips, over 6 hours (two pilots)	\$(268.00) <u>226.00</u> per hr.
Shilshole Bay – Salmon Bay	\$(167.00) <u>141.00</u>
Salmon Bay – Lake Union	\$(131.00) <u>111.00</u>
Lake Union – Lake Washington (plus LOA zone from Webster Point)	\$(167.00) <u>141.00</u>
Cancellation charge	LOA Zone I
Cancellation charge—Port Angeles (when a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for pilot or when a pilot order is cancelled less than twelve hours prior to the original ETA.)	LOA Zone II
Docking delay after anchoring:	\$(134.00) <u>113.00</u> per hr.
Applicable harbor shift rate to apply, plus \$(134.00) <u>113.00</u> per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$(134.00) <u>113.00</u> for every hour or fraction thereof.	
Sailing delay:	\$(134.00) <u>113.00</u> per hour

No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ~~\$(134.00)~~ 113.00 for every hour or fraction thereof. The assessment of the standby fee shall not exceed a period of twelve hours in any twenty-four hour period.

Slowdown: $\$((134.00))$
113.00
 per hour

When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of $\$((134.00))$ 113.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

Tonnage charges:

0 to 20,000 gross tons:
 Additional charge to LOA zone mileage of $\$((0.0067))$ 0.0057 a gross ton for all gross tonnage up to 20,000 gross tons.

20,000 to 50,000 gross tons:
 Additional charge to LOA zone mileage of $\$((0.0699))$ 0.0583 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:
 In excess of 50,000 gross tons, the charge shall be $\$((0.0827))$ 0.0699 per gross ton.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Delayed arrival-Port Angeles: $\$((134.00))$
113.00
 per hour

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of $\$((134.00))$ 113.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

Transportation to vessels on Puget Sound:

March Point or Anacortes	\$ 144.00
Bangor	84.00
Bellingham	158.00
Bremerton	44.00
Cherry Point	175.00
Dupont	85.00
Edmonds	27.00
Everett	52.00
Ferndale	173.00

Manchester	66.00
Mukilteo	52.00
Olympia	108.00
Point Wells	27.00
Port Gamble	77.00
Port Townsend (Indian Island)	109.00
Seattle	15.00
Semiahmoo (Blaine)	196.00
Tacoma	56.00
Tacoma Smelter	66.00
Winslow	42.00

- (a) Intraharbor transportation for the Port Angeles port area - transportation between Port Angeles pilot station and Port Angeles harbor docks - \$15.00.
- (b) Interport shifts: Transportation paid to and from both points.
- (c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.
- (d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.
- (e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.80 per mile. Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA rate schedule

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

(LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
Intra-Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101-150 Miles	151-200 Miles & Over
Up to 449	209	322	552	822	1,107	1,436
450-459	216	329	555	834	1,125	1,443
460-469	219	333	563	848	1,140	1,449
470-479	227	342	571	865	1,143	1,452
480-489	233	349	573	881	1,150	1,459
490-499	236	353	581	897	1,165	1,465

PROPOSED

PROPOSED

(LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra-Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
500-509	248	359	590	908	1,173	1,475
510-519	250	366	596	921	1,185	1,479
520-529	253	378	604	925	1,195	1,493
530-539	261	383	612	935	1,215	1,509
540-549	265	388	626	946	1,234	1,522
550-559	270	402	630	959	1,243	1,537
560-569	280	418	643	967	1,256	1,552
570-579	286	422	645	972	1,268	1,562
580-589	297	429	660	980	1,276	1,578
590-599	312	437	664	984	1,294	1,596
600-609	322	450	672	988	1,310	1,604
610-619	341	455	686	993	1,323	1,618
620-629	354	461	691	1,004	1,338	1,637
630-639	371	468	699	1,006	1,350	1,651
640-649	385	480	707	1,009	1,361	1,664
650-659	413	488	719	1,017	1,378	1,681
660-669	421	493	725	1,022	1,392	1,694
670-679	435	506	733	1,040	1,408	1,704
680-689	442	515	743	1,050	1,421	1,721
690-699	455	523	753	1,068	1,436	1,756
700-719	475	540	767	1,081	1,463	1,776
720-739	504	555	786	1,096	1,493	1,806
740-759	523	581	801	1,107	1,522	1,838
760-779	544	601	821	1,125	1,552	1,863
780-799	571	627	834	1,140	1,578	1,895
800-819	594	645	851	1,146	1,604	1,924
820-839	612	668	871	1,165	1,637	1,946
840-859	638	695	886	1,177	1,663	1,979
860-879	662	719	904	1,208	1,694	2,008
880-899	686	740	921	1,236	1,721	2,037
900-919	705	763	937	1,267	1,756	2,066
920-939	727	786	959	1,294	1,774	2,093
940-959	753	807	973	1,323	1,806	2,120
960-979	771	831	990	1,350	1,838	2,151
980-999	797	851	1,007	1,378	1,863	2,177
1000-1019	844	906	1,052	1,450	1,950	2,272
1020-1039	867	932	1,085	1,493	2,009	2,339
1040-1059	893	955	1,117	1,537	2,067	2,409
1060-1079	921	989	1,149	1,584	2,131	2,481
1080-1099	948	1,017	1,184	1,630	2,194	2,555
1100-1119	975	1,047	1,219	1,680	2,259	2,632
1120-1139	1,005	1,080	1,257	1,729	2,327	2,710

(LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra-Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
1140-1159	1,035	1,111	1,293	1,781	2,397	2,792
1160-1179	1,065	1,143	1,332	1,835	2,468	2,875
1180-1199	1,098	1,178	1,371	1,889	2,543	2,961
1200-1219	1,131	1,214	1,412	1,946	2,618	3,049
1220-1239	1,165	1,250	1,454	2,004	2,696	3,140
1240-1259	1,199	1,286	1,497	2,064	2,778	3,234
1260-1279	1,234	1,324	1,542	2,125	2,861	3,331
1280-1299	1,270	1,365	1,588	2,190	2,946	3,431
1300-1319	1,309	1,404	1,635	2,254	3,035	3,533
1320-1339	1,349	1,446	1,685	2,322	3,125	3,640
1340-1359	1,388	1,490	1,735	2,391	3,218	3,749
1360-1379	1,430	1,534	1,787	2,463	3,314	3,860
1380-1399	1,472	1,579	1,841	2,536	3,413	3,977
1400-1419	1,517	1,627	1,894	2,612	3,515	4,095
1420-1439	1,561	1,676	1,952	2,690	3,621	4,218
1440-1459	1,609	1,726	2,011	2,770	3,729	4,344
1460-1479	1,655	1,778	2,069	2,853	3,841	4,474
1480-1499	1,705	1,830	2,132	2,938	3,955	4,607
1500 & Over	1,756	1,886	2,196	3,028	4,073	4,745))

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra-Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
Up to 449	177	272	466	695	935	1,213
450 - 459	183	278	469	705	951	1,219
460 - 469	185	281	476	717	963	1,224
470 - 479	192	289	482	731	966	1,227
480 - 489	197	295	484	744	972	1,233
490 - 499	199	298	491	758	984	1,238
500 - 509	210	303	499	767	991	1,246
510 - 519	211	309	504	778	1,001	1,250
520 - 529	214	319	510	782	1,010	1,262
530 - 539	221	324	517	790	1,027	1,275
540 - 549	224	328	529	799	1,043	1,286
550 - 559	228	340	532	810	1,050	1,299
560 - 569	237	353	543	817	1,061	1,311
570 - 579	242	357	545	821	1,071	1,320
580 - 589	251	363	558	828	1,078	1,333
590 - 599	264	369	561	831	1,093	1,349
600 - 609	272	380	568	835	1,107	1,355

LOA	ZONE	ZONE	ZONE	ZONE	ZONE	ZONE
	I	II	III	IV	V	VI
	Intra	0-30	31-50	51-75	76-100	101
	Harbor	Miles	Miles	Miles	Miles	Miles
						& Over
<u>610 - 619</u>	<u>288</u>	<u>384</u>	<u>580</u>	<u>839</u>	<u>1,118</u>	<u>1,367</u>
<u>620 - 629</u>	<u>299</u>	<u>390</u>	<u>584</u>	<u>848</u>	<u>1,131</u>	<u>1,383</u>
<u>630 - 639</u>	<u>313</u>	<u>395</u>	<u>591</u>	<u>850</u>	<u>1,141</u>	<u>1,395</u>
<u>640 - 649</u>	<u>325</u>	<u>406</u>	<u>597</u>	<u>853</u>	<u>1,150</u>	<u>1,406</u>
<u>650 - 659</u>	<u>349</u>	<u>412</u>	<u>608</u>	<u>859</u>	<u>1,164</u>	<u>1,420</u>
<u>660 - 669</u>	<u>356</u>	<u>417</u>	<u>613</u>	<u>864</u>	<u>1,176</u>	<u>1,431</u>
<u>670 - 679</u>	<u>368</u>	<u>428</u>	<u>619</u>	<u>879</u>	<u>1,190</u>	<u>1,440</u>
<u>680 - 689</u>	<u>373</u>	<u>435</u>	<u>628</u>	<u>887</u>	<u>1,201</u>	<u>1,454</u>
<u>690 - 699</u>	<u>384</u>	<u>442</u>	<u>636</u>	<u>902</u>	<u>1,213</u>	<u>1,484</u>
<u>700 - 719</u>	<u>401</u>	<u>456</u>	<u>648</u>	<u>913</u>	<u>1,236</u>	<u>1,501</u>
<u>720 - 739</u>	<u>426</u>	<u>469</u>	<u>664</u>	<u>926</u>	<u>1,262</u>	<u>1,526</u>
<u>740 - 759</u>	<u>442</u>	<u>491</u>	<u>677</u>	<u>935</u>	<u>1,286</u>	<u>1,553</u>
<u>760 - 779</u>	<u>460</u>	<u>508</u>	<u>694</u>	<u>951</u>	<u>1,311</u>	<u>1,574</u>
<u>780 - 799</u>	<u>482</u>	<u>530</u>	<u>705</u>	<u>963</u>	<u>1,333</u>	<u>1,601</u>
<u>800 - 819</u>	<u>502</u>	<u>545</u>	<u>719</u>	<u>968</u>	<u>1,355</u>	<u>1,626</u>
<u>820 - 839</u>	<u>517</u>	<u>564</u>	<u>736</u>	<u>984</u>	<u>1,383</u>	<u>1,644</u>
<u>840 - 859</u>	<u>539</u>	<u>587</u>	<u>749</u>	<u>995</u>	<u>1,405</u>	<u>1,672</u>
<u>860 - 879</u>	<u>559</u>	<u>608</u>	<u>764</u>	<u>1,021</u>	<u>1,431</u>	<u>1,697</u>
<u>880 - 899</u>	<u>580</u>	<u>625</u>	<u>778</u>	<u>1,044</u>	<u>1,454</u>	<u>1,721</u>
<u>900 - 919</u>	<u>596</u>	<u>645</u>	<u>792</u>	<u>1,071</u>	<u>1,484</u>	<u>1,746</u>
<u>920 - 939</u>	<u>614</u>	<u>664</u>	<u>810</u>	<u>1,093</u>	<u>1,499</u>	<u>1,769</u>
<u>940 - 959</u>	<u>636</u>	<u>682</u>	<u>822</u>	<u>1,118</u>	<u>1,526</u>	<u>1,791</u>
<u>960 - 979</u>	<u>651</u>	<u>702</u>	<u>837</u>	<u>1,141</u>	<u>1,553</u>	<u>1,818</u>
<u>980 - 999</u>	<u>673</u>	<u>719</u>	<u>851</u>	<u>1,164</u>	<u>1,574</u>	<u>1,840</u>
<u>1000 - 1019</u>	<u>713</u>	<u>766</u>	<u>889</u>	<u>1,225</u>	<u>1,648</u>	<u>1,920</u>
<u>1020 - 1039</u>	<u>733</u>	<u>788</u>	<u>917</u>	<u>1,262</u>	<u>1,698</u>	<u>1,976</u>
<u>1040 - 1059</u>	<u>755</u>	<u>807</u>	<u>944</u>	<u>1,299</u>	<u>1,747</u>	<u>2,036</u>
<u>1060 - 1079</u>	<u>778</u>	<u>836</u>	<u>971</u>	<u>1,338</u>	<u>1,801</u>	<u>2,096</u>
<u>1080 - 1099</u>	<u>801</u>	<u>859</u>	<u>1,000</u>	<u>1,377</u>	<u>1,854</u>	<u>2,159</u>
<u>1100 - 1119</u>	<u>824</u>	<u>885</u>	<u>1,030</u>	<u>1,420</u>	<u>1,909</u>	<u>2,224</u>
<u>1120 - 1139</u>	<u>849</u>	<u>913</u>	<u>1,062</u>	<u>1,461</u>	<u>1,966</u>	<u>2,290</u>
<u>1140 - 1159</u>	<u>875</u>	<u>939</u>	<u>1,093</u>	<u>1,505</u>	<u>2,025</u>	<u>2,359</u>
<u>1160 - 1179</u>	<u>900</u>	<u>966</u>	<u>1,126</u>	<u>1,551</u>	<u>2,085</u>	<u>2,429</u>
<u>1180 - 1199</u>	<u>928</u>	<u>995</u>	<u>1,158</u>	<u>1,596</u>	<u>2,149</u>	<u>2,502</u>
<u>1200 - 1219</u>	<u>956</u>	<u>1,026</u>	<u>1,193</u>	<u>1,644</u>	<u>2,212</u>	<u>2,576</u>
<u>1220 - 1239</u>	<u>984</u>	<u>1,056</u>	<u>1,229</u>	<u>1,693</u>	<u>2,278</u>	<u>2,653</u>
<u>1240 - 1259</u>	<u>1,013</u>	<u>1,087</u>	<u>1,265</u>	<u>1,729</u>	<u>2,347</u>	<u>2,733</u>
<u>1260 - 1279</u>	<u>1,043</u>	<u>1,119</u>	<u>1,303</u>	<u>1,796</u>	<u>2,418</u>	<u>2,815</u>
<u>1280 - 1299</u>	<u>1,073</u>	<u>1,153</u>	<u>1,342</u>	<u>1,851</u>	<u>2,489</u>	<u>2,899</u>
<u>1300 - 1319</u>	<u>1,106</u>	<u>1,186</u>	<u>1,382</u>	<u>1,905</u>	<u>2,565</u>	<u>2,985</u>
<u>1320 - 1339</u>	<u>1,140</u>	<u>1,222</u>	<u>1,424</u>	<u>1,962</u>	<u>2,641</u>	<u>3,076</u>
<u>1340 - 1359</u>	<u>1,173</u>	<u>1,259</u>	<u>1,466</u>	<u>2,020</u>	<u>2,719</u>	<u>3,168</u>

LOA	ZONE	ZONE	ZONE	ZONE	ZONE	ZONE
	I	II	III	IV	V	VI
	Intra	0-30	31-50	51-75	76-100	101
	Harbor	Miles	Miles	Miles	Miles	Miles
						& Over
<u>1360 - 1379</u>	<u>1,208</u>	<u>1,296</u>	<u>1,510</u>	<u>2,081</u>	<u>2,800</u>	<u>3,262</u>
<u>1380 - 1399</u>	<u>1,244</u>	<u>1,334</u>	<u>1,556</u>	<u>2,143</u>	<u>2,884</u>	<u>3,361</u>
<u>1400 - 1419</u>	<u>1,282</u>	<u>1,375</u>	<u>1,600</u>	<u>2,207</u>	<u>2,970</u>	<u>3,460</u>
<u>1420 - 1439</u>	<u>1,319</u>	<u>1,416</u>	<u>1,649</u>	<u>2,273</u>	<u>3,060</u>	<u>3,564</u>
<u>1440 - 1459</u>	<u>1,360</u>	<u>1,458</u>	<u>1,699</u>	<u>2,341</u>	<u>3,151</u>	<u>3,671</u>
<u>1460 - 1479</u>	<u>1,398</u>	<u>1,502</u>	<u>1,748</u>	<u>2,411</u>	<u>3,246</u>	<u>3,781</u>
<u>1480 - 1499</u>	<u>1,441</u>	<u>1,546</u>	<u>1,802</u>	<u>2,483</u>	<u>3,342</u>	<u>3,893</u>
<u>1500 & Over</u>	<u>1,484</u>	<u>1,594</u>	<u>1,856</u>	<u>2,559</u>	<u>3,442</u>	<u>4,010</u>

WSR 04-08-028
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (by Code Reviser's Office)
 [Filed March 30, 2004, 8:00 a.m.]

WAC 388-865-0545 and 388-865-0546, proposed by the Department of Social and Health Services in WSR 03-18-103 appearing in issue 03-19 of the State Register, which was distributed on October 1, 2003, 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 04-08-039
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed March 30, 2004, 4:36 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-10-066.

Title of Rule: Forklifts and other powered industrial trucks.

Purpose: The department is rewriting and clarifying requirements relating to forklifts and other powered industrial trucks. This will make the requirements for forklifts and other powered industrial trucks easy to read and understand, making them more useful for employers and employees. This proposal will move the forklift and other powered industrial truck requirements from chapter 296-24 WAC, General safety and health standards, to new chapter 296-863 WAC, Forklifts and other powered industrial trucks.

Other Identifying Information: Amending WAC 296-24-47511, subsection (2)(c), general; subsection (3)(b), design pressure and classification of fuel containers; and subsection (12)(a), (b), (c), (d), and (e) industrial trucks inside buildings.

New sections WAC 296-863-10005 Scope, 296-863-200 Design, construction, and equipment, 296-863-20005 Meet design and construction requirements, 296-863-20010 Meet these requirements when modifying or altering PITs, 296-863-20015 Make sure PITs are properly labeled, 296-863-20020 Protect PIT operators from falling objects, 296-863-20025 Provide fall protection on order pickers, 296-863-20030 Provide directional lights on PITs when required, 296-863-20035 Make sure liquefied petroleum gas (LPG) fueled PITs meet these requirements, 296-863-20040 Meet these requirements when converting gasoline fuel PITs to liquefied petroleum gas (LPG) fuel, 296-863-300 Inspection, repair, maintenance, and servicing, 296-863-30005 Make sure PITs are in safe working condition, 296-863-30010 Inspect your PITs, 296-863-30015 Meet these requirements when repairing PITs, 296-863-30020 Maintain your PITs properly, 296-863-30025 Service gasoline fueled PITs safely, 296-863-30030 Service liquefied petroleum gas (LPG) fueled PITs safely, 296-863-30035 Make sure battery charging areas are safe, 296-863-30040 Service batteries for electric PITs safely, 296-863-400 Operations, 296-863-40005 Protect employees around PITs, 296-863-40010 Operate PITs safely, 296-863-40015 Make sure PIT loads are carried safely, 296-863-40020 Meet these requirements when the operator leaves the normal operating position, 296-863-40025 Meet this requirement when operating near railroad tracks, 296-863-40030 Meet this requirement when using motorized hand trucks, 296-863-40035 Meet these requirements when using elevators, 296-863-40040 Meet these requirements when using dockboards (bridge plates), 296-863-40045 Meet these requirements when loading or unloading railroad cars with a PIT, 296-863-40050 Meet these requirements when loading or unloading highway trucks with PITs, 296-863-40055 Meet these additional requirements when operating liquefied petroleum gas (LPG) fueled PITs, 296-863-40060 Make sure work platforms and PITs used to lift people meet these requirements, 296-863-40065 Operate PITs using elevated work platforms safely, 296-863-500 Hazardous (classified) locations, 296-863-50005 Use the appropriate PITs in hazardous (classified) locations, 296-863-600 Training, 296-863-60005 Make sure PIT operators are trained, 296-863-60010 Retrain PIT operators as required, 296-863-60015 Evaluate PIT operators performance, and 296-863-700 Definitions.

Repealing WAC 296-24-230 Powered industrial trucks, 296-24-23001 Definition, 296-24-23003 General requirements, 296-24-23005 Designations, 296-24-23007 Designated locations, 296-24-23009 Converted industrial trucks, 296-24-23011 Safety guards, 296-24-23013 Fuel handling and storage, 296-24-23015 Changing and charging storage batteries, 296-24-23017 Lighting for operating areas, 296-24-23019 Control of noxious gases and fumes, 296-24-23021 Dockboards (bridge plates), 296-24-23023 Trucks and railroad cars, 296-24-23025 Operator training, 296-24-23027 Powered industrial truck operations, 296-24-23029 Travel-

ing, 296-24-23031 Loading, 296-24-23033 Operation of the truck, 296-24-23035 Maintenance of industrial trucks, and 296-24-23037 Appendix 1 stability of powered industrial trucks nonmandatory appendix.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Other Identifying Information above.

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

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rules regarding the training of powered industrial truck operators and the safe use of these vehicles are in chapter 296-24 WAC, Safety and health standards. These requirements will be rewritten and moved into chapter 296-863 WAC, Forklifts and other powered industrial trucks. The American Society of Mechanical Engineers (ASME) criteria pertaining to rough terrain forklift trucks have been added to the rule. Minimum side clearance requirements have been increased to equal those currently stipulated in chapter 296-860 WAC, Railroad clearances and walkways in private rail yards and plants. There are no anticipated effects.

Proposal Changes the Following Existing Rules: The American Society of Mechanical Engineers (ASME) criteria pertaining to rough terrain forklift trucks have been added to the rule. Minimum side clearance requirements have been increased to equal those currently stipulated in chapter 296-860 WAC, Railroad clearances and walkways in private rail yards and plants.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The agency has rewritten requirements to clarify and better organize existing language of chapter 296-24 WAC, pertaining to forklifts and other powered industrial trucks, without changing its effect. The clarified requirements are being published as chapter 296-863 WAC, Forklift and other powered industrial trucks. As such, a small business economic impact statement (SBEIS) is not required per RCW 34.05.328 (5)(b).

We are also incorporating, without material change, national consensus code requirements. RCW 34.05.328 (5)(b) exempts the agency from conducting an SBEIS under such conditions.

RCW 34.05.328 does not apply to this rule adoption. Significant rule-making criteria do not apply to this rule making because the changes either incorporate, without material change, national consensus code requirements or clarify requirements.

Hearing Location: Department of Labor and Industries, Auditorium, 7273 Linderson Way S.W., Tumwater, WA, on May 27, 2004, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Sally Elliott by May 24, 2004, at (360) 902-5484 or e-mail yous235@lni.wa.gov.

Submit Written Comments to: Jim Hughes, Project Manager, P.O. Box 44620, Olympia, WA 98506-4620, e-mail hugw235@lni.wa.gov, fax (360) 902-5529, by May 31, 2004.

Date of Intended Adoption: August 17, 2004.

March 30, 2004

Paul Trause
Director

Chapter 296-863 WAC

FORKLIFTS AND OTHER POWERED INDUSTRIAL TRUCKS

NEW SECTION

WAC 296-863-10005 Scope. This chapter applies to powered industrial trucks that use electric motors or internal combustion engines. This includes, but is not limited to:

- Fork trucks.
- Forklifts.
- Tractors.
- Platform lift trucks.
- Motorized hand trucks.
- Other specialized industrial trucks.

Definition:

A powered industrial truck (PIT) is a mobile, power-driven vehicle used to carry, push, pull, lift, stack, or tier material.

Exemption: This chapter does not apply to:

- Compressed air-powered industrial trucks.
- Nonflammable compressed gas-operated industrial trucks.
- Vehicles covered by chapter 296-307 WAC, Safety standards for agriculture.
- Vehicles intended primarily for earth moving or over-the-road hauling.

NEW SECTION

WAC 296-863-200 Design, construction, and equipment.

Summary:

Your responsibility:

To make sure PITs are properly designed, constructed, and equipped.

You must:

Design and construction

Make sure PITs meet design and construction requirements

WAC 296-863-20005.

Meet these requirements when modifying or altering PITs

WAC 296-863-20010.

Labeling

Make sure PITs are properly labeled

WAC 296-863-20015.

Equipment

Protect operators from falling objects

WAC 296-863-20020.

Provide fall protection on order pickers

WAC 296-863-20025.

Provide directional lights when required

WAC 296-863-20030.

Liquefied petroleum gas (LPG) PITs

Make sure liquefied petroleum gas (LPG) fueled PITs meet these requirements

WAC 296-863-20035.

Meet these requirements when converting gasoline fuel PITs to liquefied petroleum gas (LPG) fuel

WAC 296-863-20040.

NEW SECTION

WAC 296-863-20005 Make sure PITs meet design and construction requirements.

You must:

- Make sure PITs meet American National Standards Institute (ANSI) design and construction requirements.

- Make sure PITs manufactured **before** March 1, 2000, meet the requirements of ANSI B56.1-1969, Safety Standards for Powered Industrial Trucks.

- Make sure PITs manufactured **on or after** March 1, 2000, meet the requirements of ANSI B56.1-1993, Safety Standards for Powered Industrial Trucks.

- Make sure rough terrain forklift trucks manufactured on or after January 1, 2005, meet the design and construction requirements of ANSI B56.6-1992, Safety Standard for Rough Terrain Forklift Trucks.

Note: There may be a nameplate on the PIT or a statement in the instruction manual indicating that the PIT meets the requirement of the appropriate ANSI standard. If in doubt, check with the manufacturer.

ANSI B56.1-1993 and B56.6-1992 are available by:

– Purchasing copies by writing:

American National Standards Institute

11 West 42nd Street

New York, NY 10036

OR

– Contacting the ANSI website at www.ansi.org.

NEW SECTION

WAC 296-863-20010 Meet these requirements when modifying or altering PITs.

You must:

Have written approval from the PIT manufacturer before making any modifications to the PIT that:

- Change the relative position of the various parts of the PIT from what they were when originally received from the manufacturer.

- Add extra parts not provided by the PIT manufacturer.

- Eliminate any parts.

- Affect capacity or safe operation.

Exemption: This does not apply to converting PITs from gasoline to LPG fuel.

You must:

- Make sure any modifications or additions to the PIT are shown on the plates, tags, or decals to reflect any changes in the PITs:
 - Capacity.
 - Operation.
 - Maintenance instructions.

NEW SECTION**WAC 296-863-20015 Make sure PITs are properly labeled.****You must:**

- Make sure all PIT nameplates as well as any stickers, stencils or marks that relate to the stability and safety of the PIT are:
 - In place.
 - Legible.

- Note:** PITs should have a nameplate installed by the manufacturer that contains at least the following information:
- Model and serial number.
 - Approximate weight of the PIT.
 - Certification that the manufacturer has met the mandatory requirements of ANSI B56.1 Safety Standards for Powered Industrial Trucks.
 - Type designation to show the PIT meets the applicable requirements of a nationally recognized testing laboratory.

You must:

- Make sure PITs approved for hazardous (classified) locations have a label or some other identifying mark indicating acceptance by a nationally recognized testing laboratory.
- Make sure PITs with front-end attachments, including fork extensions, are marked to:
 - Identify the attachment.
 - Show the approximate combined weight of the PIT and attachment.
 - Show the maximum capacity of the PIT with attachments at their highest elevation and the load laterally centered.

NEW SECTION**WAC 296-863-20020 Protect operators from falling objects. You must:**

- Use an overhead guard to protect operators from falling objects such as small packages, boxes, and bagged material.

Exemption: The PIT may be operated without the guard, providing all of the following conditions are met:

- Vertical movement of the lifting mechanism is restricted to seventy-two inches (1800 mm) or less from the ground.
- The PIT will operate only in an area where:
 - The top of a tiered load will not be more than one hundred twenty inches (3000 mm) high.
 - The bottom of a tiered load will not be more than seventy-two inches (1800 mm) high.
 - Only stable loads are handled.
 - The operator is protected from objects falling from high stack areas.

Note: The overhead guard is not intended to withstand the impact of a maximum capacity load of the PIT.

You must:

- Equip all high lift rider trucks with overhead guards that meet the design and construction requirements of Amer-

ican National Standards Institute (ANSI) B56.1-1993, Safety Standards for Powered Industrial Trucks.

- Use a vertical load backrest extension to keep all or any part of the load from falling backwards towards the operator if the load presents a hazard.

NEW SECTION**WAC 296-863-20025 Provide fall protection on order pickers.****You must:**

- Make sure order pickers have either:
 - Standard guardrails on all open sides;

OR

– A safety harness and lanyard that are connected to a tie off point that has been approved by the PIT manufacturer.

- Make sure personal fall arrest equipment meets the requirements of WAC 296-24-87035, Appendix C—Personal fall arrest systems.

NEW SECTION**WAC 296-863-20030 Provide directional lights on PITs when required.****You must:**

• Provide PITs with directional lighting if the general lighting is less than two lumens per square foot.

- Note:**
- Lighting levels can be measured with a light meter.
 - Conversion information: One foot-candle = one lumen incident per square foot = 10.76 lux.

NEW SECTION**WAC 296-863-20035 Make sure liquefied petroleum gas (LPG) fueled PITs meet these requirements.****You must:**

• Use fuel containers that meet **either** of the following minimum requirements:

– A U.S. Department of Transportation (USDOT) approved container authorized for LP-gas service that has a minimum service pressure of two hundred forty pounds per square inch gage (psig);

OR

– A container Type 250 that has a design pressure of 312.5 psig.

• Make sure fuel containers do not use variable liquid-level gages that require venting fuel to the atmosphere.

• Make sure the fuel system of PITs **used inside buildings:**

– Has an approved automatic shutoff valve, located ahead of the inlet of the gas-air mixer, that will stop the flow of fuel to the mixer if the engine stops;

AND

– Use not more than two LP-gas fuel containers.

• Make sure the fuel system of PITs **used outdoors** has an approved automatic shutoff valve, located ahead of the inlet of the gas-air mixer, that will stop the flow of fuel to the mixer if both:

- The ignition is OFF.
- The engine is not running.

Note: You may use an atmospheric type regulator (zero governor) as a shutoff valve if the PIT is used outdoors.

Service batteries for electric PITs safely
WAC 296-863-30040.

NEW SECTION

WAC 296-863-20040 Meet these requirements when converting gasoline fuel PITs to liquefied petroleum gas (LPG) fuel.

You must:

- Make sure PITs originally approved to use gasoline for fuel that are then converted to LPG fuel:
 - Meet the requirements for LP or LPS designated PITs; AND
 - Are converted using only approved equipment.

Definitions:

• **LP** refers to liquefied petroleum gas-powered trucks that, in addition to meeting all the requirements for type G trucks, have minimum acceptable safeguards against inherent fire hazards.

• **LPS** refers to liquefied petroleum gas powered trucks that in addition to meeting the requirements for LP type trucks, have additional exhaust, fuel, and electrical systems safeguards.

- Note:**
- Tables 1, 2, and 3 list the types of PITs and the locations where they can be used safely.
 - The description of the component parts of the conversion system and the recommended method of installation on specific PITs are contained in the "Listed by Report" provided by the testing laboratory.

NEW SECTION

WAC 296-863-300 Inspection, repair, maintenance, and servicing.

Summary:

Your responsibility:

To make sure PITs are kept in safe condition and properly serviced.

- References:**
- Appropriate respiratory protection may need to be used when operating PITs. See chapter 296-841 WAC, Respiratory hazards, for more information.
 - Appropriate PPE may need to be worn. See WAC 296-800-160 in the *Safety and Health Core Rules* for more information.

You must:

Inspect, repair and maintain PITs

Make sure PITs are in safe working condition

WAC 296-863-30005.

Inspect your PITs

WAC 296-863-30010.

Meet these requirements when repairing PITs

WAC 296-863-30015.

Maintain your PITs properly

WAC 296-863-30020.

Service your PITs

Service gasoline fueled PITs safely

WAC 296-863-30025.

Service liquefied petroleum gas (LPG) fueled PITs safely

WAC 296-863-30030.

Make sure battery charging areas are safe

WAC 296-863-30035.

NEW SECTION

WAC 296-863-30005 Make sure PITs are in safe working condition.

You must:

- Remove any PIT from service that is not in safe operating condition.
- Immediately remove PITs from service that have any of the following problems, and do not return them to service until the cause of the problem has been eliminated:
 - A leak in the fuel system.
 - A clogged water muffler screen or other muffler part.
 - An exhaust system that is emitting hazardous sparks or flames.
 - A part that is hotter than its normal operating temperature thus creating a hazardous condition.

NEW SECTION

WAC 296-863-30010 Inspect your PITs.

You must:

- Inspect PITs according to the manufacturer's instructions.
 - Inspect PITs at these times:
 - Daily before being put into service;
- AND
- After each shift, if the PIT is used on a continuous (twenty-four-hour) basis.
 - Report and correct any deficiencies noted during the inspection.

NEW SECTION

WAC 296-863-30015 Meet these requirements when repairing PITs.

You must:

- Make sure repairs are made by authorized persons.
- Make sure replacement parts are equivalent to the parts used in the original design.
- Make sure repairs are not made in Class I, II, or III locations. See Tables 1, 2, and 3 for more information.

Definitions:

Class I locations are areas where flammable gases or vapors are or may be present in the air in quantities sufficient to produce explosive or ignitable mixtures.

Class II locations are areas where the presence of combustible dust could be sufficient to produce explosions.

Class III locations are areas where the presence of easily ignitable fibers are suspended in the air but are not in large enough quantities to produce ignitable mixtures.

You must:

- Make sure fuel and ignition system repairs that involve fire hazards are made only in locations designated for such repairs.
- Disconnect the battery before starting repairs to a PIT electrical system.
- Close the fuel container shutoff valve before repairing an LP-gas fueled PIT in a garage.

PROPOSED

Exemption: The container shutoff valve may be left open if it is necessary to run the engine.

NEW SECTION

WAC 296-863-30020 Maintain your PITs properly.

You must:

- Maintain PITs according to this chapter and the manufacturer's instructions.
- Keep PITs:
 - Clean.
 - Free of excess lint, oil, and grease.
- Take appropriate precautions to protect employees from the hazards associated with the cleaning agents or solvents used.
 - Precautions could include methods such as ventilation.
- Make sure solvents used for cleaning PITs have a flash point of 100° Fahrenheit or more.

NEW SECTION

WAC 296-863-30025 Service gasoline fueled PITs safely.

You must:

- Handle and store liquid fuels, such as gasoline and diesel fuel, according to the National Fire Protection Association Flammable and Combustible Liquids Code (NFPA No. 30-1996).

Note: National Fire Protection Association codes are available by: Purchasing copies by writing:
National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02169-7471
OR
Contacting the NFPA website at www.nfpa.org.

You must:

- Stop the engine before filling a fuel tank.
- Avoid spilling fuel during servicing.
- Make sure you do **not** use open flames to check the gasoline level in fuel tanks.
 - Do the following before restarting the engine after fueling:
 - Put on the fuel tank cap.
 - Make sure spilled oil or fuel is completely washed away or evaporated.

NEW SECTION

WAC 296-863-30030 Service liquefied petroleum gas (LPG) fueled PITs safely.

You must:

- Handle and store liquefied petroleum gas fuel according to the National Fire Protection Association Storage and Handling of Liquefied Petroleum Gases (NFPA No. 58-1998).
 - Shut down the engine while fueling.
 - Fuel PITs equipped with permanently mounted fuel containers outdoors.
 - Make sure filling fuel containers from industrial bulk storage containers is done at least:
 - Ten feet from the nearest masonry-walled building.

- Twenty-five feet from the nearest building or other construction.
- Twenty-five feet from any building opening.
- Make sure PITs are stored or serviced inside garages only when:

- There are no leaks in the fuel system;
- AND**

- The fuel tanks are not filled beyond the maximum filling density specified in WAC 296-24-47505 (12)(a), Storage and handling of liquefied petroleum gases.

Reference: See chapter 296-24 WAC, Part F-1, for LPG charging equipment requirements and maximum filling density.

NEW SECTION

WAC 296-863-30035 Make sure battery charging areas are safe.

You must:

- Make sure battery charging areas are designated and provided with all of the following:
 - Means to flush and neutralize spilled electrolyte.
 - Fire protection.
 - Ventilation that is adequate to disperse fumes from gassing batteries.
- Prohibit smoking in battery charging areas.
- Take precautions to prevent open flames, sparks, or electric arcs in battery charging areas.
 - Protect battery charging equipment from being damaged by PITs.
- Provide at least one of the following to handle batteries:
 - Conveyor.
 - Overhead hoist.
 - Other equivalent material handling equipment.

NEW SECTION

WAC 296-863-30040 Service batteries for electric PITs safely.

You must:

- Make sure PITs are properly positioned with the brake on before charging or changing batteries.
- Make sure you do **not** use open flames to check the electrolyte level in storage batteries.
 - Do the following when charging batteries:
 - Make sure vent caps are functioning.
 - Open the battery or compartment covers to dissipate heat.
 - Pour acid into water, never pour water into acid.
 - Provide a carboy tilter or siphon to handle electrolyte.
 - Keep tools and other metallic objects away from the top of uncovered batteries.
 - Make sure reinstalled batteries are properly positioned and secured.

NEW SECTION

WAC 296-863-400 Operations.

Summary:

Your responsibility:

To operate your PITs safely.

You must:**General operations**

Protect employees around PITs

WAC 296-863-40005.

Operate PITs safely

WAC 296-863-40010.

Make sure PIT loads are carried safely

WAC 296-863-40015.

Meet these requirements when the operator leaves the normal operating position

WAC 296-863-40020.

Meet these requirements when operating near railroad tracks

WAC 296-863-40025.

Special operations

Meet this requirement when using motorized hand trucks

WAC 296-863-40030.

Meet these requirements when using elevators

WAC 296-863-40035.

Meet these requirements when using dockboards (bridge plates)

WAC 296-863-40040.

Meet these requirements when loading or unloading railroad cars with a PIT

WAC 296-863-40045.

Meet these requirements when loading or unloading highway trucks with PITs

WAC 296-863-40050.

Liquefied petroleum gas (LPG) fueled PITs

Meet these additional requirements when operating liquefied petroleum gas (LPG) fueled PITs

WAC 296-863-40055.

Personnel lifting

Make sure work platforms and PITs used to lift people meet these requirements

WAC 296-863-40060.

Operate PITs using elevated work platforms safely

WAC 296-863-40065.

NEW SECTION

WAC 296-863-40005 Protect employees around PITs.

You must:

- Make sure operators use restraint devices, such as seatbelts or lap-bars, when they are provided on the PIT.

- Make sure you do not allow people:

- Under the elevated part of any PIT, whether it is loaded or empty;

- To put any part of their body between the uprights of the mast;

OR

- Outside the running lines of the PIT.

- Make sure you do not allow unauthorized people to ride on PITs.

- Make sure people riding on PITs have a safe place to ride.

- Make sure you do not allow stunt driving or horseplay.

- Make sure PITs are not driven up to anyone in front of a bench or other fixed object.

- Make sure access to fire aisles, stairways, and fire equipment is kept clear.

- Make sure there is sufficient headroom under overhead installations such as lights, pipes, and sprinkler systems to safely operate PITs.

Reference: PIT operations may cause the airborne concentration levels of carbon monoxide gas to increase. You have to keep the concentration levels below the levels specified in chapter 296-841 WAC, Respiratory hazards.

NEW SECTION

WAC 296-863-40010 Operate PITs safely.

You must:

- Operate PITs according to the manufacturer's instructions.

- Make sure PIT operators do all of the following:

- Obey all traffic regulations, including authorized workplace speed limits.

- Yield the right of way to ambulances, fire trucks, and other vehicles in emergency situations.

- Keep a safe distance of approximately three truck lengths from the PIT ahead.

- Look in the direction they are going and keep a clear view of their path of travel.

- Slow down and sound the horn at cross aisles and other locations where vision is obstructed.

- Do not pass other PITs traveling in the same direction at intersections, blind spots, or other dangerous locations.

- Keep a safe distance from the edge of ramps or platforms while on any of the following:

- Elevated docks.

- Elevated platforms.

- Freight cars.

- Make sure operators keep PITs under control at all times, including doing all of the following:

- Drive at a speed that allows the PIT to be stopped safely.

- Drive more slowly on wet or slippery floors.

- Reduce speed to a safe level while turning.

- Avoid driving over loose objects.

NEW SECTION

WAC 296-863-40015 Make sure PIT loads are carried safely.

You must:

(1) Make sure loads are stable, safe and within the rated load capacity of the PIT.

(2) Do both of the following when picking up a load:

- Place the load engaging means under the load as far as possible.

- Tilt the mast carefully backwards to stabilize the load.

(3) Make sure not to tilt the load engaging means forward when it is elevated unless:

- Picking up a load;

OR

- Depositing a load on a rack or stack.

(4) Do both of the following when traveling with a load:

- Keep the load trailing if it obstructs the operator's forward view.

- Travel with the load upslope when climbing or descending slopes of more than ten percent.

(5) Do both of the following when climbing a slope:

- Tilt the load and load engagement means backwards if necessary to stabilize the load;

AND

- Raise the load and load engagement means only as far as necessary to clear the surface.

(6) Make sure PITS with attachments are operated as partially loaded trucks, even if they are **not** carrying a load.

NEW SECTION

WAC 296-863-40020 Meet these requirements when the operator leaves the normal operating position.

You must:

- Make sure operators do the following when getting off the PIT:

- Fully lower the load engaging means.
- Neutralize the controls.
- Set the brakes.

- Make sure operators do the following when leaving a PIT unattended:

- Fully lower the load engaging means.
- Neutralize the controls.
- Shut off power.
- Set the brakes.
- Block the wheels, if parked on an incline.

Note: A PIT is unattended when the operator:

- Is more than twenty-five feet away;

OR

- Can not see the PIT.

NEW SECTION

WAC 296-863-40025 Meet these requirements when operating near railroad tracks.

You must:

- Make sure PITs are driven diagonally across railroad tracks, whenever possible.

- Make sure PITs are parked eight feet six inches or more from the center of any railroad tracks.

NEW SECTION

WAC 296-863-40030 Meet this requirement when using motorized hand trucks.

You must:

- Make sure motorized hand trucks enter elevators and other confining areas with the load end forward.

NEW SECTION

WAC 296-863-40035 Meet these requirements when using elevators.

You must:

- Do both of the following when driving PITs onto an elevator:

- Approach slowly.
- Enter the elevator squarely after the elevator car is leveled.

- Do all the following after the PIT is positioned on the elevator:

- Neutralize the controls.
- Shut off the power.
- Set the brakes.

NEW SECTION

WAC 296-863-40040 Meet these requirements when using dockboards (bridge plates).

You must:

- Make sure dockboards are not overloaded:

- Make sure they are strong enough to carry the load imposed on them.
- Make sure loads do not exceed the dockboard's rated capacity.

- Do the following when using dockboards:

- Drive slowly and carefully over dockboards.
- Properly secure dockboards before driving on them.

- Make sure powered dockboards meet the design and construction requirements of U.S. Department of Commerce Commercial Standard CS 202-56 (1961) "Industrial Lifts and Hinged Loading Ramps."

- Do the following when using portable dockboards:

- Use anchors or other devices that will prevent slipping.
- Make sure they have handholds or other effective means for safe handling.

NEW SECTION

WAC 296-863-40045 Meet these requirements when loading or unloading railroad cars with a PIT.

You must:

- Check the railroad car flooring for breaks or weakness before driving on it.

- Set the brakes and use wheel stops or other recognized positive protection to keep railcars from moving:

- During loading or unloading operations;

OR

- While dockboards (bridge plates) are in position.

- Meet these requirements when using PITs to open or close freight car doors:

- The PIT has to have an approved device specifically designed to open and close doors.

- The device has to be designed so that force will be applied to the door parallel to door travel.

- The PIT operator has to be trained to use the device and have full view of the operation.

- People must be kept clear while the door is being moved.

NEW SECTION

WAC 296-863-40050 Meet these requirements when loading or unloading highway trucks with PITs.

You must:

- Check the truck or trailer flooring for breaks or weakness before driving on it.

- Prevent movement of trucks or trailers during loading or unloading by:

- Setting the brakes;

AND

– Chocking or blocking the wheels.

- Exemptions:**
- You can use mechanical means instead of wheel chocks or blocks to secure the trailer to the loading dock.
 - Wheel chocks or blocks are not required when:
 - The mechanical means prevents the trailer from moving away from the dock.
 - The mechanical equipment is used and maintained as recommended by the manufacturer.
 - Damaged mechanical equipment is immediately removed from service.

Note: You may need to use fixed jacks to keep a semi-trailer that is not coupled to a tractor from up ending during loading or unloading.

NEW SECTION

WAC 296-863-40055 Meet these additional requirements when operating liquefied petroleum gas (LPG) fueled PITs.

You must:

- Make sure you do not park PITs near:
 - Sources of heat, open flames, or similar ignition sources;

OR

- Open pits, such as service pits, that do not have adequate ventilation.
- Make sure PITs stored inside a garage do not have:
 - A leak in the fuel system.
 - Fuel containers filled beyond the maximum filling capacity.

Reference: See WAC 296-24-47505(12), Storage and handling of liquefied petroleum gases, for maximum filling capacities.

NEW SECTION

WAC 296-863-40060 Make sure work platforms and PITs used to lift people meet these requirements.

You must:

- Make sure work platforms:
 - Are securely fastened to the lifting carriage or forks.
 - Have standard guardrails and toeboards on all sides.
- Guard the area between the platform and the PIT mast to prevent employee contact with chains or other shear points.

- Make sure PITs used to elevate a work platform have a lift mechanism that can not drop faster than one hundred thirty five feet per minute in the event of a system failure.

- Make sure the lifting carriage or forks are prevented from tilting by having the control lever either:
 - Lock in position;

OR

- Install a safety strap to hold it in position.
- Make sure PITs with controls (vertical only or horizontal and vertical) that can be elevated with the lifting carriage or forks, have a way for people on the platform to shut off power to the PIT.

Note: You can find the minimum requirements for standard railings of various types of construction in WAC 296-24-75011, Railings, toeboards and cover specifications.

NEW SECTION

WAC 296-863-40065 Operate PITs using elevated work platforms safely.

You must:

- Make sure the PIT operator:
 - Is attending the lift equipment when workers are on the platform.
 - Is in the normal operating position while raising or lowering the platform.

Note: A PIT is unattended when the operator:

- Is more than twenty-five feet away;
- OR**
- Cannot see the PIT.

You must:

- Make sure the operator does **not** move the PIT from one point to another while workers are on the platform.
 - The operator may inch or maneuver the PIT at very low speed with workers on the platform.

NEW SECTION

WAC 296-863-500 Hazardous (classified) locations.

Summary:**Your responsibility:**

To use PITs safely in hazardous (classified) locations.

You must:

- Use the appropriate approved PITs in hazardous (classified) locations
- WAC 296-863-50005.

NEW SECTION

WAC 296-863-50005 Use the appropriate PITs in hazardous (classified) locations.

You must:

- Make sure PITS are used in hazardous (classified) locations as follows:

- PITS authorized to be used in Class 1 locations are shown in Table 1, Approved PIT Use in Class 1 Locations.

- PITS authorized to be used in Class 2 locations are shown in Table 2, Approved PIT Use in Class 2 Locations.

- PITS authorized to be used in Class 3 locations are shown in Table 3, Approved PIT Use in Class 3 Locations.

- PITS authorized to be used in unclassified locations are:

- Approved PITS designated as Type D, E, G, or LP;

AND

- PITs that meet the requirements of a Type D, E, G, or LP PIT.

Definitions:

- An unclassified location is an area that is not designated as a Class 1, 2, or 3 location.

- Designations means a code used to show the different types of hazardous (classified) locations where PITs can be safely used:

- **D** refers to trucks that are diesel engine powered that have minimum safeguards against inherent fire hazards.

- **DS** refers to diesel powered trucks that, in addition to meeting all the requirements for type D trucks, are provided

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with additional safeguards to the exhaust, fuel and electrical systems.

- **DY** refers to diesel powered trucks that have all the safeguards of the DS trucks and, in addition, any electrical equipment is completely enclosed. They are equipped with temperature limitation features.

- **E** refers to electrically powered trucks that have minimum acceptable safeguards against inherent fire hazards.

- **ES** refers to electrically powered trucks that, in addition to all of the requirements for the E trucks, have additional safeguards to the electrical system to prevent emission of hazardous sparks and to limit surface temperatures.

- **EE** refers to electrically powered trucks that have, in addition to all of the requirements for the E and ES type trucks, have their electric motors and all other electrical equipment completely enclosed.

- **EX** refers to electrically powered trucks that differ from E, ES, or EE type trucks in that the electrical fittings and equipment are designed, constructed and assembled to be used in atmospheres containing flammable vapors or dusts.

- **G** refers to gasoline powered trucks that have minimum acceptable safeguards against inherent fire hazards.

- **GS** refers to gasoline powered trucks that are provided with additional exhaust, fuel, and electrical systems safeguards.

- **LP** refers to liquefied petroleum gas-powered trucks that, in addition to meeting all the requirements for type G trucks, have minimum acceptable safeguards against inherent fire hazards.

- **LPS** refers to liquefied petroleum gas-powered trucks that in addition to meeting the requirements for LP type trucks, have additional exhaust, fuel, and electrical systems safeguards.

- Note:**
- Tables 1, 2, and 3 show the type of approved PITs that can be used in the appropriate divisions and groups.
 - PITs cannot be used in divisions and groups that do not have a PIT designation listed.
 - Approved PITs will be marked or labeled with the designation of the PIT. See WAC 296-863-20010, Make sure PITs are properly labeled.

Table 1
Approved PIT Use in Class 1 Locations

Class 1							
Locations in which flammable gases or vapors are, or may be, present in the air in quantities sufficient to produce explosive or ignitable mixtures.							
Division 1				Division 2			
Conditions exist continuously, intermittently, or periodically under normal operating conditions.				Conditions may occur due to accidentally, for example, due to a puncture of a storage drum.			
<u>Group A</u>	<u>Group B</u>	<u>Group C</u>	<u>Group D</u>	<u>Group A</u>	<u>Group B</u>	<u>Group C</u>	<u>Group D</u>
Acetylene	Hydrogen	Ethyl ether	Acetone Alcohols Benzene Gasoline Lacquer solvent	Acetylene	Hydrogen	Ethyl ether	Acetone Alcohols Benzene Gasoline Lacquer solvent
No PIT type can be used	No PIT type can be used	No PIT type can be used	Use this PIT type: EX	No PIT type can be used	No PIT type can be used	No PIT type can be used	Use this PIT type: DS DY ES EE EX GS LPS

Table 2
Approved PIT Use in Class 2 Locations

Class 2 Locations which are hazardous because of the presence of combustible dust.					
Division 1 Explosive mixture may be present under normal operating conditions, or where failure of equipment may cause the condition to exist simultaneously with arcing or sparking of electrical equipment, or where dusts of an electrically conducting nature may be present.			Division 2 Explosive mixture not normally present, but where deposits of dust may cause heat rise in electrical equipment, or where such deposits may be ignited by arcs or sparks from electrical equipment.		
Group E Metal dust	Group F Carbon black Coal dust Coke dust	Group G Grain dust Flour dust Starch dust Organic dust	Group E Metal dust	Group F Carbon black Coal dust Coke dust	Group G Grain dust Flour dust Starch dust Organic dust
No PIT type can be used	Use this PIT type: EX	Use this PIT type: EX	No PIT type can be used	Use this PIT type: EX DY EE	Use this PIT type: DS DY ES EE EX GS LPS

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Table 3
Approved PIT Use in Class 3 Locations

Class 3 Locations where easily ignitable fibers or flyings are present but not likely to be in suspension in quantities sufficient to produce ignitable mixtures.	
Division 1	Division 2
Locations in which easily ignitable fibers or materials producing combustible flyings are handled, manufactured, or used.	Locations in which easily ignitable fibers are stored or handled (except in the process of manufacture).
Use this PIT type: DY EE EX	Use this PIT type: DS DY E ES EE EX GS LPS

WAC 296-863-60005.
Retrain PIT operators as required
WAC 296-863-60010.
Evaluate PIT operators performance
WAC 296-863-60015.

NEW SECTION

WAC 296-863-60005 Make sure PIT operators are trained.

You must:

- Make sure employees successfully complete an operator training program before operating PITs. The only time a trainee can operate a PIT is:

- Under the direct supervision of a person who has the knowledge, training, and experience to train and evaluate operators;

AND

- When operating the PIT does not endanger the trainee or other employees.

- Make sure training is done by you or someone you designate that has the knowledge, training, and experience to:

- Conduct the training;

AND

- Evaluate trainee competence.

- Make sure your operator training program consists of:

- Formal instruction.

- Such as lecture and discussion, interactive computer learning, video tapes, and written material.

- Practical training.

- Such as demonstrations done by the trainer and practical exercises performed by trainees.

- Evaluation of trainee performance.

NEW SECTION

WAC 296-863-600 Training.

Summary:

Your responsibility:

To make sure PIT operators are competent.

You must:

Operator training

Make sure PIT operators are trained

• Make sure the initial operator training program covers the subjects in Table 4, Required Training Topics.

Note: If an operator has previously received training specified in Table 4, Required Training Topics, additional training in that topic is not required if:

- The training was appropriate to the PIT and working conditions in your workplace;

AND

- The employee has passed a PIT performance evaluation within the last three years.

Table 4
Required Training Topics

Topics related to powered industrial truck	Topics related to your workplace
• Operating instructions,	• Surface conditions where the PIT will be operated
• Warnings and precautions for the types of PIT the operator will be authorized to operate	• Composition of loads to be carried and load stability
• Differences between the PIT and the automobile	• Load manipulation, stacking, and unstacking
• PIT controls and instrumentation: Where they are located, what they do, and how they work	• Pedestrian traffic in areas where the PIT will be operated
• Engine or motor operation	• Narrow aisles and other restricted places where the PIT will be operated
• Steering and maneuvering	• Use of door opening and closing devices
• Visibility (including restrictions due to loading)	• Hazardous (classified) locations where the PIT will be operated
• Fork and attachment adaptation, operation, and use limitations	• Ramps and other sloped surfaces that could affect the PITs stability
• PIT capacity	• Closed environments and other areas where insufficient ventilation or poor PIT maintenance could cause a buildup of carbon monoxide or diesel exhaust
• PIT stability	• Other unique or potentially hazardous environmental conditions in the workplace that could affect safe operation
• Any PIT inspection and maintenance that the operator will be required to perform	
• Refueling	

Topics related to powered industrial truck	Topics related to your workplace
• Charging and recharging of batteries	
• Operating limitations	
• Any other operating instructions, warnings, or precautions listed in the operator's manual for the types of PIT that the employee is being trained to operate	

You must:

- Keep written records of operator training and evaluations that include the following information:
 - Name of the operator.
 - Date of the training.
 - Date of the evaluation.
 - Name of the person giving the training or evaluation.

NEW SECTION

WAC 296-863-60010 Retrain PIT operators as required.

You must:

- Provide PIT operators refresher training if any of the following occur:
 - The operator is involved in an accident or near-miss incident.
 - The operator is seen operating the PIT in an unsafe manner.
 - An evaluation shows the operator is not operating the PIT safely.
 - The operator is assigned to drive a different type or modified PIT.
 - Conditions in the workplace change that could affect safe operation of the PIT.

Note: Refresher training is required only in those topics where the operator has been found deficient.

NEW SECTION

WAC 296-863-60015 Evaluate PIT operators performance.

You must:

- Evaluate PIT operators performance at each of these times:
 - As part of their initial training program.
 - After refresher training to determine the effectiveness of the training.
 - At least once every three years.

NEW SECTION

WAC 296-863-700 Definitions.

ANSI is an acronym for the American National Standards Institute.

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Authorized person (maintenance) means a person who has been designated to perform maintenance on a PIT.

Authorized person (training) means a person approved or assigned by the employer to perform training for powered industrial truck operators.

Approved means listed or approved by a nationally recognized testing laboratory or a federal agency that issues approvals for equipment such as the Mine Safety and Health Administration (MSHA); the National Institute for Occupational Safety and Health (NIOSH); Department of Transportation; or U.S. Coast Guard, which issue approvals for such equipment.

Bridge plate (dockboard) means a device used to span the distance between rail cars or highway vehicles and loading platforms.

Classified location or hazardous location means areas that could be hazardous because of explosive or flammable atmospheres. These locations are broken down into the following categories:

- Class I locations are areas where flammable gases or vapors are or may be present in the air in quantities sufficient to produce explosive or ignitable mixtures.

- Class II locations are areas where the presence of combustible dust could be sufficient to produce explosions.

- Class III locations are areas where the presence of easily ignitable fibers are suspended in the air but are not in large enough quantities to produce ignitable mixtures.

Counterweight means a weight used to counteract or the load being carried by the truck, or to increase the load carrying capacity of a truck.

Designations means a code used to show the different types of hazardous (classified) locations where PITs can be safely used:

- **D** refers to trucks that are diesel engine powered that have minimum safeguards against inherent fire hazards.

- **DS** refers to diesel powered trucks that, in addition to meeting all the requirements for type D trucks, are provided with additional safeguards to the exhaust, fuel and electrical systems.

- **DY** refers to diesel powered trucks that have all the safeguards of the DS trucks and, in addition, any electrical equipment is completely enclosed. They are equipped with temperature limitation features.

- **E** refers to electrically powered trucks that have minimum acceptable safeguards against inherent fire hazards.

- **ES** refers to electrically powered trucks that, in addition to all of the requirements for the E trucks, have additional safeguards to the electrical system to prevent emission of hazardous sparks and to limit surface temperatures.

- **EE** refers to electrically powered trucks that have, in addition to all of the requirements for the E and ES type trucks, have their electric motors and all other electrical equipment completely enclosed.

- **EX** refers to electrically powered trucks that differ from E, ES, or EE type trucks in that the electrical fittings and equipment are designed, constructed and assembled to be used in atmospheres containing flammable vapors or dusts.

- **G** refers to gasoline powered trucks that have minimum acceptable safeguards against inherent fire hazards.

- **GS** refers to gasoline powered trucks that are provided with additional exhaust, fuel, and electrical systems safeguards.

- **LP** refers to liquefied petroleum gas-powered trucks that, in addition to meeting all the requirements for type G trucks, have minimum acceptable safeguards against inherent fire hazards.

- **LPS** refers to liquefied petroleum gas powered trucks that in addition to meeting the requirements for LP type trucks, have additional exhaust, fuel, and electrical systems safeguards.

Electrolyte means a chemical, usually acid, that is mixed with water to produce electricity.

Flammable liquid means any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99% or more of the total volume of the mixture.

Flashpoint means the minimum temperature at which a liquid gives off enough vapor to ignite.

Front-end attachment means a device that is attached to the forks or lifting device of the truck.

Lanyard means a flexible line of webbing, rope, or cable used to secure a harness to an anchor point.

Listed by report means a reporting listing the field assembly, installation procedures, or both, for a UL listed product that does not have generally recognized installation requirements.

Liquefied petroleum gas means any gas that is composed predominantly of the following hydrocarbons, or mixtures of them; propane, propylene, butanes (normal butane or iso-butane), and butylenes.

Load engaging means a device attached to a powered industrial truck and used to manipulate or carry a load.

Motorized hand truck means a powered truck with wheeled forks designed to go under or between pallets and is controlled by a walking or riding operator.

Nationally recognized testing laboratory means an organization recognized by the Occupational Safety and Health Administration that conducts safety tests on equipment and materials.

Order picker means a truck controlled by an operator who is stationed on a platform that moves with the load engaging means.

Powered industrial truck (PIT) means a mobile, power-driven vehicle used to carry, push, pull, lift, stack, or tier material.

Rough terrain forklift truck means a truck intended to be used on unimproved natural terrain and at construction sites.

Safety harness (full body harness) means a configuration of connected straps to distribute a fall arresting force over at least the thighs, shoulders and pelvis, with provisions for attaching a lanyard, lifeline, or deceleration devices.

Tie-off point (anchorage) means a secure point to attach a lanyard that meets the requirements of WAC 296-24-87035, Appendix—C Personal fall arrest systems.

Vertical load backrest extension means a device that extends vertically from the fork carriage frame.

AMENDATORY SECTION (Amending WSR 99-17-094, filed 8/17/99, effective 12/1/99)

WAC 296-24-47511 Liquefied petroleum gas as a motor fuel. (1) Application.

(a) This section applies to internal combustion engines, fuel containers, and pertinent equipment for the use of liquefied petroleum gases as a motor fuel on easily movable, readily portable units including self-propelled vehicles.

(b) Fuel containers and pertinent equipment for internal combustion engines using liquefied petroleum gas where installation is of the stationary type are covered by WAC 296-24-47509. This section does not apply to containers for transportation of liquefied petroleum gases nor to marine fuel use. All requirements of WAC 296-24-47505 apply to this section, unless otherwise noted in WAC 296-24-47505.

(2) General.

(a) Fuel may be used from the cargo tank of a truck while in transit, but not from cargo tanks on trailers or semitrailers. The use of fuel from the cargo tanks to operate stationary engines is permitted providing wheels are securely blocked.

(b) Passenger-carrying vehicles shall not be fueled while passengers are on board.

(c) ~~((Industrial trucks (including lift trucks) equipped with permanently mounted fuel containers shall be charged outdoors. Charging equipment shall comply with the provisions of WAC 296-24-47517.))~~ Reserved.

(d) LP-gas fueled industrial trucks shall comply with the Standard for Type Designations, Areas of Use, Maintenance and Operation of Powered Industrial Trucks, NFPA 505-1969.

(e) Engines on vehicles shall be shut down while fueling if the fueling operation involves venting to the atmosphere.

(3) Design pressure and classification of fuel containers.

(a) Except as covered in (3)(b) and (c) of this section, containers shall be in accordance with Table H-32.

(b) ~~((Fuel containers for use in industrial trucks (including lift trucks) shall be either DOT containers authorized for LP-gas service having a minimum service pressure of 240 p.s.i.g. or minimum Container Type 250. Under 1950 and later ASME Codes, this means a 312.5 p.s.i.g. design pressure container.))~~ Reserved.

TABLE H-32

Container type	For gases with vapor press. Not to exceed lb. per sq. in. gage at 100°F. (37.8°C.)	Minimum design pressure of container lb. per sq. in. gage	
		1949 and earlier editions of ASME Code (Par. U-68, U-69)	1949 edition of ASME Code (Par. U-200, 1U-201); 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division D) editions of ASME Code; All editions of API-ASME Code ²
200 ¹	215	200	250

¹ Container type may be increased by increments of 25. The minimum design pressure of containers shall be 100% of the container type designation when constructed under 1949 or earlier editions of the ASME Code (Par. U-68 and U-69). The minimum design pressure of containers shall be 125% of the container type designation when constructed

under: (1) The 1949 ASME Code (Par. U-200 and U-201), (2) 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division 1) editions of the ASME Code, and (3) all editions of the API-ASME Code.

² Construction of containers under the API-ASME Code is not authorized after July 1, 1961.

(c) Containers manufactured and maintained under DOT specifications and regulations may be used as fuel containers. When so used they shall conform to all requirements of this section.

(d) All container inlets and outlets except safety relief valves and gaging devices shall be labeled to designate whether they communicate with vapor or liquid space. (Labels may be on valves.)

(4) Installation of fuel containers.

(a) Containers shall be located in a place and in a manner to minimize the possibility of damage to the container. Containers located in the rear of trucks and buses, when protected by substantial bumpers, will be considered in conformance with this requirement. Fuel containers on passenger-carrying vehicles shall be installed as far from the engine as is practicable, and the passenger space and any space containing radio equipment shall be sealed from the container space to prevent direct seepage of gas to these spaces. The container compartment shall be vented to the outside. In case the fuel container is mounted near the engine or the exhaust system, the container shall be shielded against direct heat radiation.

(b) Containers shall be installed with as much clearance as practicable but never less than the minimum road clearance of the vehicle under maximum spring deflection. This minimum clearance shall be to the bottom of the container or to the lowest fitting on the container or housing, whichever is lower.

(c) Permanent and removable fuel containers shall be securely mounted to prevent jarring loose, slipping, or rotating, and the fastenings shall be designed and constructed to withstand static loading in any direction equal to twice the weight of the tank and attachments when filled with fuel using a safety factor of not less than four based on the ultimate strength of the material to be used. Field welding, when necessary, shall be made only on saddle plates, lugs or brackets, originally attached to the container by the tank manufacturer.

(d) Fuel containers on buses shall be permanently installed.

(e) Containers from which vapor only is to be withdrawn shall be installed and equipped with suitable connections to minimize the accidental withdrawal of liquid.

(5) Valves and accessories.

(a) Container valves and accessories shall have a rated working pressure of at least 250 p.s.i.g., and shall be of a type suitable for liquefied petroleum gas service.

(b) The filling connection shall be fitted with an approved double back-pressure check valve, or a positive shutoff in conjunction with an internal back-pressure check valve. On a removable container the filler valve may be a hand operated shutoff valve with an internal excess flow valve. Main shutoff valves on the container on liquid and vapor must be readily accessible.

(c) With the exceptions of (5)(d)(iii) of this section, filling connections equipped with approved automatic back-

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pressure check valves, and safety relief valves, all connections to the containers having openings for the flow of gas in excess of a No. 54 drill size shall be equipped with approved automatic excess flow valves to prevent discharge of content in case connections are broken.

(d) Liquid-level gaging devices:

(i) Variable liquid-level gages which require the venting of fuel to the atmosphere shall not be used on fuel containers of industrial trucks (including lift trucks).

(ii) On portable containers that may be filled in the vertical and/or horizontal position, the fixed liquid-level gage shall indicate maximum permitted filling level for both vertical and horizontal filling with the container oriented to place the safety relief valve in communication with the vapor space.

(iii) In the case of containers used solely in farm tractor service and charged at a point at least 50 feet from any important building, the fixed liquid-level gaging device may be so constructed that the outward flow of container content exceeds that passed by a No. 54 drill size opening, but in no case shall the flow exceed that passed by a No. 31 drill-size opening. An excess flow valve is not required. Fittings equipped with such restricted drill size opening and container on which they are used shall be marked to indicate the size of the opening.

(iv) All valves and connections on containers shall be adequately protected to prevent damage due to accidental contact with stationary objects or from loose objects thrown up from the road, and all valves shall be safeguarded against damage due to collision, overturning or other accident. For farm tractors where parts of the vehicle provide such protection to valves and fittings, the foregoing requirements shall be considered fulfilled. However, on removable type containers the protection for the fittings shall be permanently attached to the container.

(v) (Exchange of removable fuel containers preferably should be done outdoors but may be done indoors.) When removable fuel containers are used, means shall be provided in the fuel system to minimize the escape of fuel when the containers are exchanged. This shall be accomplished by one of the following methods:

(A) Using an approved automatic quick-closing coupling (a type closing in both directions when uncoupled) in the fuel line, or

(B) Closing the valve at the fuel container and allowing the engine to run until the fuel in the line is consumed.

(6) Piping—Including pipe, tubing, and fittings.

(a) Pipe from fuel container to first-stage regulator shall be not less than schedule 80 wrought iron or steel (black or galvanized), brass or copper; or seamless copper, brass, or steel tubing. Steel tubing shall have a minimum wall thickness of 0.049 inch. Steel pipe or tubing shall be adequately protected against exterior corrosion. Copper tubing shall be types K or L or equivalent having a minimum wall thickness of 0.032 inch. Approved flexible connections may be used between container and regulator or between regulator and gas-air mixer within the limits of approval. The use of aluminum pipe or tubing is prohibited. In the case of removable containers an approved flexible connection shall be used between the container and the fuel line.

(b) All piping shall be installed, braced, and supported so as to reduce to a minimum the possibility of vibration strains or wear.

(7) Safety devices.

(a) Spring-loaded internal type safety relief valves shall be used on all motor fuel containers.

(b) The discharge outlet from safety relief valves shall be located on the outside of enclosed spaces and as far as practicable from possible sources of ignition, and vented upward within 45 degrees of the vertical in such a manner as to prevent impingement of escaping gas upon containers, or parts of vehicles, or on vehicles in adjacent lines of traffic. A rain cap or other protector shall be used to keep water and dirt from collecting in the valve.

(c) When a discharge line from the container safety relief valve is used, the line shall be metallic, other than aluminum, and shall be sized, located, and maintained so as not to restrict the required flow of gas from the safety relief valve. Such discharge line shall be able to withstand the pressure resulting from the discharge of vapor when the safety relief valve is in the full open position. When flexibility is necessary, flexible metal hose or tubing shall be used.

(d) Portable containers equipped for volumetric filling may be filled in either the vertical or horizontal position only when oriented to place the safety relief valve in communication with the vapor space.

(e) WAC 296-24-47505 (10)(1) for hydrostatic relief valves shall apply.

(8) Vaporizers.

(a) Vaporizers and any part thereof and other devices that may be subjected to container pressure shall have a design pressure of at least 250 p.s.i.g.

(b) Each vaporizer shall have a valve or suitable plug which will permit substantially complete draining of the vaporizer. It shall be located at or near the lowest portion of the section occupied by the water or other heating medium.

(c) Vaporizers shall be securely fastened so as to minimize the possibility of becoming loosened.

(d) Each vaporizer shall be permanently marked at a visible point as follows:

(i) With the design pressure of the fuel-containing portion in p.s.i.g.

(ii) With the water capacity of the fuel-containing portion of the vaporizer in pounds.

(e) Devices to supply heat directly to a fuel container shall be equipped with an automatic device to cut off the supply of heat before the pressure inside the fuel container reaches 80 percent of the start to discharge pressure setting of the safety relief device on the fuel container.

(f) Engine exhaust gases may be used as a direct source of heat supply for the vaporization of fuel if the materials of construction of those parts of the vaporizer in contact with exhaust gases are resistant to the corrosive action of exhaust gases and the vaporizer system is designed to prevent excessive pressures.

(g) Vaporizers shall not be equipped with fusible plugs.

(9) Gas regulating and mixing equipment.

(a) Approved automatic pressure reducing equipment shall be installed in a secure manner between the fuel supply

container and gas-air mixer for the purpose of reducing the pressure of the fuel delivered to the gas-air mixer.

(b) An approved automatic shutoff valve shall be provided in the fuel system at some point ahead of the inlet of the gas-air mixer, designed to prevent flow of fuel to the mixer when the ignition is off and the engine is not running. In the case of industrial trucks and engines operating in buildings other than those used exclusively to house engines, the automatic shutoff valve shall be designed to operate if the engine should stop. Atmospheric type regulators (zero governors) shall be considered adequate as an automatic shutoff valve only in cases of outdoor operation such as farm tractors, construction equipment, irrigation pump engines, and other outdoor stationary engine installations.

(c) The source of the air for combustion shall be completely isolated from the passenger compartment, ventilating system, or air-conditioning system.

(10) Stationary engines in buildings. Stationary engines and gas turbines installed in buildings, including portable engines used instead of or to supplement stationary engines, shall comply with the Standard for the Institution and Use of Stationary Combustion Engines and Gas Turbines, NFPA 37-1970, and the appropriate provisions of WAC 296-24-47505 through 296-24-47509.

(11) Portable engines in buildings.

(a) Portable engines may be used in buildings only for emergency use, except as provided by (11) of this section.

(b) Exhaust gases shall be discharged to outside the building or to an area where they will not constitute a hazard.

(c) Provision shall be made to supply sufficient air for combustion and cooling.

(d) An approved automatic shutoff valve shall be provided in the fuel system ahead of the engine, designed to prevent flow of fuel to the engine when the ignition is off or if the engine should stop.

(e) The capacity of LP-gas containers used with such engines shall comply with the applicable occupancy provision of WAC 296-24-47507(5).

(12) Industrial trucks inside buildings.

(a) ~~((LP-gas-fueled industrial trucks are permitted to be used in buildings and structures.))~~ Reserved.

(b) ~~((No more than two LP-gas containers shall be used on an industrial truck for motor fuel purposes.))~~ Reserved.

(c) ~~((LP-gas-fueled industrial trucks are permitted to be used in buildings frequented by the public, when occupied by the public. The total water capacity of containers on each industrial truck shall not exceed 105 pounds (nominal 45 pounds LP-gas.))~~ Reserved.

(d) Trucks shall not be left unattended in areas occupied by the public.

(e) ~~((Industrial trucks shall not be parked and left unattended in areas of possible excessive heat or sources of ignition.))~~ Reserved.

(13) Garaging LP-gas-fueled vehicles.

(a) LP-gas-fueled vehicles may be stored or serviced inside garages provided there are no leaks in the fuel system and the fuel tanks are not filled beyond the maximum filling capacity specified in WAC 296-24-47505 (12)(a).

(b) LP-gas-fueled vehicles being repaired in garages shall have the container shutoff valve closed except when fuel is required for engine operation.

(c) Such vehicles shall not be parked near sources of heat, open flames, or similar sources of ignition or near open pits unless such pits are adequately ventilated.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-24-230	Powered industrial trucks.
WAC 296-24-23001	Definition.
WAC 296-24-23003	General requirements.
WAC 296-24-23005	Designations.
WAC 296-24-23007	Designated locations.
WAC 296-24-23009	Converted industrial trucks.
WAC 296-24-23011	Safety guards.
WAC 296-24-23013	Fuel handling and storage.
WAC 296-24-23015	Changing and charging storage batteries.
WAC 296-24-23017	Lighting for operating areas.
WAC 296-24-23019	Control of noxious gases and fumes.
WAC 296-24-23021	Dockboards (bridge plates).
WAC 296-24-23023	Trucks and railroad cars.
WAC 296-24-23025	Operator training.
WAC 296-24-23027	Powered industrial truck operations.
WAC 296-24-23029	Traveling.
WAC 296-24-23031	Loading.
WAC 296-24-23033	Operation of the truck.
WAC 296-24-23035	Maintenance of industrial trucks.
WAC 296-24-23037	Appendix 1 stability of powered industrial trucks non-mandatory appendix.

WSR 04-08-046

PROPOSED RULES

DEPARTMENT OF HEALTH

(Board of Physical Therapy)

[Filed April 1, 2004, 9:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-13-104.

Title of Rule: WAC 246-915-010 Definitions, 246-915-078 Interim permits, 246-915-140 Personnel Identification, and 246-915-160 Responsibilities of supervision.

Purpose: The proposed rules protect the public by assuring that physical therapy services will only be provided by skilled professionals and that only qualified, appropriately supervised support staff are providing their care.

Statutory Authority for Adoption: RCW 18.74.023 (3), (6) and (7).

Summary: The proposed rules require physical therapists to perform specific tasks and only utilize physical therapist assistants and physical therapy aides who meet specific criteria. The proposed rules reemphasize the intent of the rules and further enhance their importance and relevance to the practice of physical therapy.

Reasons Supporting Proposal: There is potential for significant patient harm due to inadequate training, incompetence or negligence in the supervision of physical therapist assistants or physical therapy aides for which there is no licensure requirement; or for graduate physical therapists under an interim permit who have little or no professional experience. The proposed rules address these issues.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kris Waidely, Program Manager, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-4847.

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: The proposed rules require physical therapists to perform specific tasks and only utilize physical therapist assistants and physical therapy aides who meet specific criteria. The proposed rules protect the public by assuring that physical therapy services are only provided by skilled professionals and that only qualified, appropriately supervised support staff are providing their care. There is potential for significant patient harm due to inadequate training, incompetence or negligence in the supervision of physical therapist assistants or physical therapy aides for which there is no licensure requirement; or for graduate physical therapists under an interim permit who have little or no professional experience. The proposed rules address these issues.

Proposal Changes the Following Existing Rules: WAC 246-915-078 Interim permits.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because the cost to implement the proposed rules does not exceed the threshold. The more than minimum cost threshold from "804 Office of Clinics and Other Healthcare Practitioners" is set at \$110.00.

RCW 34.05.328 applies to this rule adoption. WAC 246-915-078 is legislatively significant because the proposal may be used to impose a penalty if violated.

Hearing Location: Yakima Regional Medical Center, Building St. Ez Hall, Room Auditorium, 110 South 9th Avenue, Yakima, WA 98902, on May 18, 2004, at 9:15 - 9:45 a.m.

Assistance for Persons with Disabilities: Contact Kris Waidely by May 7, 2004, TDD (800) 833-6388 or (360) 236-4847.

Submit Written Comments to: Department of Health, Kris Waidely, P.O. Box 47868, Olympia, WA 98504-7868, fax (360) 664-9077, by May 7, 2004.

Date of Intended Adoption: May 18, 2004.

March 12, 2004

Kris Waidely
Program Manager

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-915-010 Definitions. For the purposes of this chapter and administering chapter 18.74 RCW, the following ~~((terms are to be construed as set forth herein))~~ words and phrases have the following meanings:

(1) The "performance of tests of neuromuscular function" includes the performance of electroneuromyographic examinations.

(2) "Consultation" means a communication regarding a patient's evaluation and proposed treatment plan with an authorized health care practitioner.

(3) "Supervisor" ~~((shall))~~ means the licensed physical therapist.

(4) ~~((("Physical therapist assistant" shall mean a graduate of an approved school of physical therapy who is eligible for licensure but has not been licensed to practice physical therapy in Washington state, or an individual who has received an associate degree as a physical therapist assistant from an approved school.~~

~~((5) "Physical therapist aide" shall mean an individual who shall have received on-the-job training from a physical therapist.~~

~~((6) "Immediate supervision" shall mean the supervisor is in audible or visual range of the patient and the person treating the patient.~~

~~((7)) "Trained supportive personnel" as described in RCW 18.74.010(3) means:~~

~~((a) "Physical therapist assistant." An individual who has successfully completed a board approved physical therapist assistant program; or~~

~~((b) "Physical therapy aide." An individual who is involved in direct physical therapy patient care who does not meet the definition of a physical therapist or physical therapist assistant and receives ongoing on-the-job training.~~

(5) "Direct supervision" ~~((shall))~~ means the supervisor is on the premises, is quickly and easily available and the patient has been examined by the physical therapist at such time as acceptable physical therapy practice requires, consistent with the delegated health care task.

~~((8))~~ (6) "Indirect supervision" ~~((shall))~~ means the supervisor is not on the premises, but has given either written or oral instructions for treatment of the patient and the patient has been examined by the physical therapist at such time as acceptable health care practice requires, and consistent with the particular delegated health care task.

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~~((9))~~ (7) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

~~((10))~~ (8) "Office on AIDS" means ~~((that))~~ the section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

~~((11))~~ (9) "Spinal manipulation" or "manipulative mobilization" ~~((is defined as))~~ means movement beyond the normal physiological range of motion.

AMENDATORY SECTION (Amending Order 403B, filed 2/4/94, effective 3/7/94)

WAC 246-915-078 Interim permits. An applicant who has not previously taken the physical therapy examination or an applicant who has not previously held an interim or temporary permit in Washington or another state, may be eligible for an interim permit under RCW 18.74.075 upon submission of the following:

(1) Payment of the application fee ~~((and interim permit fee));~~

(2) Evidence of having obtained a physical therapy degree from a board approved school;

(3) Completed a physical therapy license application on which the applicant:

(a) ~~((Requests to be scheduled for the first examination for which he or she is eligible no later than sixty days before the date of the examination;~~

(b)) Requests to receive an interim permit;

~~((e))~~ (b) Provides the name, location and telephone number of his or her place of employment;

~~((d))~~ (c) Provides the name and license number of his or her licensed supervising physical therapist; and

~~((e))~~ (d) Provides written confirmation from the licensed supervising physical therapist attesting that he or she will:

(i) Ensure that a licensed physical therapist will remain on the premises at all times to provide "graduate supervision" as specified in RCW 18.74.075;

(ii) Report to the board any change in supervision or any change in location where services are ~~((to be))~~ provided;

(iii) Ensure that the holder of the interim permit wears ~~((a badge identifying))~~ identification showing his or her clinical title and/or role in the facility as a graduate physical therapist; and

(iv) Ensure that the holder of the interim permit ceases practice immediately upon notification of examination failure; or

(v) Ensure that the holder of the interim permit obtains his or her physical therapy license immediately upon notification of having passed the examination.

AMENDATORY SECTION (Amending Order 403B, filed 2/4/94, effective 3/7/94)

WAC 246-915-140 ((Delineation of responsibilities — Supportive)) Personnel identification. ~~((A physical therapist is professionally and legally responsible for patient care given by supportive personnel under the physical therapist's supervision. If a physical therapist fails to adequately super-~~

~~vised patient care given by supportive personnel, the board may take disciplinary action against the physical therapist. Supervision of supportive personnel requires that the physical therapist perform the following activities:~~

~~(1) Provide initial evaluation of the patient.~~

~~(2) Develop a treatment plan and program, including treatment goals.~~

~~(3) Assess the competence of supportive personnel to perform assigned tasks.~~

~~(4) Select and delegate appropriate portions of the treatment plan and program.~~

~~(5) Direct and supervise supportive personnel in delegated functions.~~

~~(6) Reevaluate the patient and adjust the treatment plan as acceptable physical therapy practice requires, consistent with the delegated health care task.~~

~~(7) Document sufficient in-service training and periodic evaluation of performance to assure safe performance of the tasks assigned to supportive personnel.~~

~~(8) Provide discharge planning.)~~ (1) Each person shall wear identification showing his or her clinical title, and/or role in the facility as a physical therapist, a physical therapist assistant, a physical therapy aide, or a graduate physical therapist as appropriate. Supportive personnel may not use any term or designation which indicates or implies that he or she is licensed as a physical therapist in the state of Washington.

(2) The licensee must post the license or interim permit, or a certified copy of the license or interim permit, in a safe, conspicuous location at the licensee's work site. The licensee may block out his or her address before posting the license or interim permit.

AMENDATORY SECTION (Amending Order 403B, filed 2/4/94, effective 3/7/94)

WAC 246-915-160 ((Personnel identification.)) Responsibilities of supervision. ~~((1) Each person shall wear identification showing his or her clinical title, and/or role in the facility as a physical therapist, a physical therapist assistant, [or] a physical therapy aide, or a graduate physical therapist as appropriate. Supportive personnel shall not use any term or designation which indicates or implies that he or she is licensed in the state of Washington.~~

~~(2) The license or interim permit[,] or a certified copy of the license or interim permit shall be posted in a safe, conspicuous location at the licensee's work site. The licensee's address may be blocked out before posting the license or interim permit.)~~ A physical therapist is professionally and legally responsible for patient care given by supportive personnel under his or her supervision. If a physical therapist fails to adequately supervise patient care given by supportive personnel, the board may take disciplinary action against the physical therapist.

(1) Regardless of the setting in which physical therapy services are provided, only the licensed physical therapist may perform the following responsibilities:

(a) Interpretation of referrals.

(b) Initial examination, problem identification, and diagnosis for physical therapy.

(c) Development or modification of a plan of care that is based on the initial examination and includes the goals for physical therapy intervention.

(d) Determination of which tasks require the expertise and decision-making capacity of the physical therapist and must be personally rendered by the physical therapist, and which tasks may be delegated.

(e) Assurance of the qualifications of all assistive personnel to perform assigned tasks through written documentation of their education or training that is maintained and available at all times.

(f) Delegation and instruction of the services to be rendered by the physical therapist, physical therapist assistant or physical therapy aide, including, but not limited to, specific tasks or procedures, precautions, special problems and contraindicated procedures.

(g) Timely review of documentation, reexamination of the patient and revision of the plan of care when indicated.

(h) Establishment of a discharge plan.

(2) Supervision requires that the patient reevaluation is performed:

(a) Every fifth visit, or if treatment is performed more than five times per week, reevaluation must be performed at least once a week;

(b) When there is any change in the patient's condition not consistent with planned progress or treatment goals.

(3) Supervision of supportive personnel means:

(a) Physical therapist assistants may function under direct or indirect supervision;

(b) Physical therapy aides shall function under direct supervision;

(c) The physical therapist may supervise a total of two supportive personnel at any one time.

WSR 04-08-064
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed April 5, 2004, 3:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-04-008.

Title of Rule: Integration of hydraulic project approvals and forest practice applications for nonfish bearing streams.

Purpose: Waive the requirement for a hydraulic project approval (HPA) for forest practices conducted in or across nonfish bearing waters under an approved forest practices application (FPA) issued by the Department of Natural Resources.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: The forests and fish agreement and RCW 76.09.030(2) include statements that the laws, rules and programs governing hydraulic projects should be more closely integrated with the laws, rules and programs governing forest practices. Pursuant to chapter 76.09 RCW, the Forest Practices Board has adopted regulations that include, among other

items, fish protection measures normally included in HPAs for projects in nonfish bearing streams. Based on these upgraded fish protection measures adopted by the Forest Practices Board on May 17, 2001, the department is proposing to amend WAC 220-110-035 so that forest practices conducted in or across nonfish bearing waters with an approved forest practices application or notification issued by the Department of Natural Resources will not require an HPA.

Reasons Supporting Proposal: Continues implementation of the forests and fish agreement and meets the objectives of RCW 76.09.030(2); will provide equal or improved resource protection for fish and fish habitat; streamlines the permit process for landowners by reducing duplicative permits.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Greg Hueckel, 1111 Washington Street, Olympia, (360) 902-2416; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will waive the requirement for an HPA for forest practices conducted in or across nonfish bearing waters under an approved FPA issued by the Department of Natural Resources. This integration of the HPA and FPA for nonfish bearing streams was envisioned in the forests and fish agreement, which outlined changes to forest practices rules to protect riparian and aquatic resources on private forestland. Pursuant to chapter 76.09 RCW, the Forest Practices Board has adopted regulations that include, among other items, fish protection measures normally included in HPAs for projects in nonfish bearing streams. Based on the upgraded fish protection measures in chapters 222-16, 222-24, and 222-30 WAC adopted by the Forest Practices Board on May 17, 2001, WDFW is modifying WAC 220-110-035 so that forest practices, as defined in chapter 76.09 RCW, conducted in or across nonfish bearing waters (type Np and Ns waters as defined under WAC 222-16-030 and type 4 and 5 waters as defined in WAC 222-16-031), with an approved forest practices application or notification issued by the Department of Natural Resources, will not require an HPA. This will achieve equal or better protection of fish life while reducing unnecessary permitting requirements for applicants.

Proposal Changes the Following Existing Rules: Amends WAC 220-110-035 Miscellaneous hydraulic projects—Permit requirements and exemptions.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Measures Required by the Proposal: The requirement to obtain an HPA from the Washington Department of Fish and Wildlife is waived for forest practices conducted in or across nonfish bearing waters under an approved forest practices application issued by the Department of Natural Resources (DNR). Applicants must have an approved

forest practices application for this exemption to apply. There are no changes to the reporting, record-keeping or other compliance measures required under the forest practices rules.

2. Professional Services Required for Compliance: None.

3. Costs of Compliance, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: None.

4. Will Compliance Cause Businesses to Lose Sales or Revenue? No.

5. Comparison of Costs for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rule: No additional costs.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses: No additional costs.

7. Description of How the Agency Will Involve Small Business in the Development of the Rule: This rule was developed in cooperation with representatives for private forest landowners and other interested parties. It continues implementation of the forests and fish agreement, which was the result of eighteen months of study and negotiation to develop changes to forest practices rules for the protection of riparian and aquatic resources on private timberland. Private forest landowners were a key participant in developing the final forests and fish agreement.

8. List of Industries Required to Comply with this Rule: Private timber landowners and operators.

A copy of the statement may be obtained by writing to Evan Jacoby, 600 Capitol Way, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

RCW 34.05.328 applies to this rule adoption.

SIGNIFICANT LEGISLATIVE RULES ANALYSIS

1. Clearly State in Detail the General Goals and Specific Objectives of the Statute That the Rule Implements:

RCW 77.55.100 requires that work that will use, divert, obstruct or change the natural flow or bed of any of the salt or fresh waters of the state must be approved by the Department of Fish and Wildlife (WDFW) as to the adequacy of the means proposed for the protection of fish life prior to conducting the work.

RCW 77.12.047 authorizes the state Fish and Wildlife Commission (commission) to adopt rules necessary to carry out Title 77 RCW and the purposes and duties of WDFW.

RCW 76.09.030(2) states that the WDFW position on the Forest Practices Board (board) may be terminated if substantial progress is not made toward integrating the laws, rules and programs governing forest practices, chapter 76.09 RCW, and the laws, rules, and programs covering hydraulic projects, chapter 77.55 RCW. Substantial progress shall include recommendations to the legislature for closer integration of the existing rule-making authorities of the board and WDFW, and closer integration of forest practices and hydraulics permitting processes, including exploring the potential for consolidated permitting process. These recommendations shall be designed to resolve problems currently associated with the existing dual regulatory and permitting processes.

2. Determine that the Rule is Needed to Achieve the General Goals and Specific Objectives Stated Above and

Analyze Alternatives to Rule Making and the Consequences of Not Adopting the Rule: The proposed rule addresses the objectives of RCW 76.09.030(2) to more closely integrate the forest practices permitting process of the Department of Natural Resources (DNR) and the hydraulics permitting process of WDFW.

This integration of HPA and FPA was envisioned in the forests and fish agreement, which outlined changes to forest practices rules to protect riparian and aquatic resources on private forestland. Pursuant to chapter 76.09 RCW, the board has adopted regulations that include, among other items, fish protection measures normally included in HPAs for projects in nonfish bearing streams. WDFW has determined that the fish protection measures in chapters 222-16, 222-24, and 222-30 WAC, adopted by the board on May 17, 2001, are consistent with the goals for the protection of fish life in chapter 77.55 RCW. Therefore, this proposed rule waives the requirement for an HPA for forest practices conducted in or across nonfish bearing waters under an approved FPA issued by DNR. This action will achieve equal or better protection of fish life while reducing unnecessary permitting requirements for applicants. Alternatives to rule making that meet the objective of RCW 76.09.030(2) to integrate the existing forest practices and hydraulics permitting processes include administrative or statutory changes. The HPA requirement is established by statute and implemented according to rules promulgated by WDFW. Therefore, the WDFW director does not have administrative authority to waive the requirement for HPAs for certain categories of activities. Statutory changes were determined to be excessive and unnecessary given the scope of the proposed integration of HPAs and FPAs on nonfish bearing streams. Rule making by the commission was determined to be the appropriate course of action. Several regulatory options were considered, but the development of a rule creating an exemption from the HPA requirement for forest practices in or across nonfish bearing streams subject to an approved forest practices application was determined to be the most efficient way to achieve permit integration without the loss of any resource protection.

Successful implementation of this rule is dependent on close coordination between WDFW and DNR. A memorandum of agreement (MOA) is being developed between the two agencies to address specific topics related to implementation of this rule including training, monitoring, enforcement and reporting.

The consequences of not adopting this rule are that WDFW would not meet the terms committed to in the Forests and Fish Agreement and would not further the mandate set forth in RCW 76.09.030(2). Additionally, WDFW would lose the opportunity to improve resource protection for fish life by redirecting limited resources to projects with direct impacts on fish bearing streams, and to eliminate duplicative permits by streamlining the permit process for forest practices in nonfish bearing streams.

3. Determine that the Probable Benefits of the Rule are Greater Than Its Probable Costs, Taking Into Account Both the Qualitative and Quantitative Benefits and Costs and the Specific Directives of the Statute Being Implemented: The probable benefits of the proposed rule include the following: Integration of forest practices and

hydraulics permitting processes for forest practices activities in or across nonfish bearing streams; reduction of unnecessary and duplicative permitting requirements for applicants; equal or improved resource protection for fish and fish habitat; increased HPA program efficiencies so that additional focus can be placed on activities with direct impacts in fish-bearing streams; and continued implementation of the forests and fish agreement.

In addition, under the terms of the MOA being developed between WDFW and DNR to implement this rule, it is the intent of the agencies to jointly develop training and monitoring plans, coordinate enforcement, and conduct periodic performance reviews. The probable benefits resulting from the MOA include: Performance monitoring; improved compliance monitoring; annual evaluation of monitoring information; and preparation of periodic status reports.

There are no additional costs to applicants associated with this proposed rule, and there may, in fact, be the potential for some savings through permit streamlining.

One potential cost to WDFW is that the agency will no longer be able to require or enforce conditions on individual forest practices projects on nonfish bearing streams. However, this has been addressed through the increased level of resource protection provided under the forest practices rules, the increased efficiencies to the HPA program allowing WDFW to focus on higher priority projects in fish bearing streams, and the cross-agency coordination with DNR outlined in the terms of the MOA to implement this rule. If the proposed rule is not implemented as currently envisioned, the commission has the authority to amend or rescind this rule in the future.

In summary, this proposed rule meets the objectives of chapter 77.55 RCW and RCW 76.09.030(2) with a large number of benefits and minimal costs.

4. Determine, After Considering Alternative Versions of the Rule and the Analysis Required Under #2 and #3 Above that the Rule Being Adopted is the Least Burdensome Alternative for Those Required to Comply With It that Will Achieve the General Goals and Specific Objectives Stated Under #1 Above: The proposed final version of the rule is considered to be the least burdensome alternative because it was developed in cooperation with representatives for private forest landowners and other interested parties. It continues implementation of the forests and fish agreement, which was the result of eighteen months of study and negotiation to develop changes to forest practices rules for the protection of riparian and aquatic resources on private timberland. It will achieve equal or better protection of fish life than the status quo due to increased consistency in the application of protective measures for fish and their habitat under the forest practices rules, and the ability for WDFW to redirect limited resources to higher priority projects in fish bearing waters. At the same time it will reduce unnecessary permitting for applicants.

5. Determine That the Rule Does Not Require Those to Whom it Applies to Take an Action That Violates Requirements of Another Federal or State Law: The rule does not require those to whom it applies to take any action beyond what is currently required, and therefore could not possibly require any action that would result in a violation of

state or federal law. In fact, it exempts certain forest practices permittees from the requirement of obtaining a separate hydraulic project approval. As the requirement for a hydraulic project approval is a state law, no violation of federal law could possibly result from the implementation of this rule.

6. Determine That the Rule Does Not Impose More Stringent Performance Requirements on Private Entities Than On Public Entities Unless Required To Do So by Federal or State Law: The rule has the same requirements for all entities conducting forest practices under the forest practices rules.

7. Determine if the Rule Differs From Any Federal Regulation or Statute Applicable to the Same Activity or Subject Matter and, if so, Determine That the Difference is Justified by the Following:

1) A state statute that explicitly allows the agency to differ from federal standards; or

2) Substantial evidence that the difference is necessary to achieve the general goals and specific objectives stated under #1 above.

See answer to #5, above.

8. Coordinate the Rule, to the Maximum Extent Practicable, With Other Federal, State, and Local Laws Applicable to the Same Activity or Subject Matter: The rule was developed in consultation with DNR, which is responsible for the protection of public resources, which includes fish and wildlife, and regulation of forest practices under the Forest Practices Act and rules. An MOA is being developed between WDFW and DNR to address specific topics related to the implementation of this rule, including training, monitoring, reporting and enforcement.

RULE IMPLEMENTATION PLAN

The following describes how WDFW intends to:

1. Implement and enforce the rule, including a description of the resources the agency intends to use;
2. Inform and educate affected persons about the rule;
3. Promote and assist voluntary compliance;
4. Evaluate whether the rule achieves the purposes for which it was adopted, including, to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes.

1. Implementation and Enforcement of the Rule: The MOA being developed between WDFW and DNR will include requirements for the agencies to 1) jointly develop and implement a training program on the HPA/FPA integration and protective measures for forest practices activities affecting nonfish bearing streams, 2) jointly develop and implement a monitoring plan for compliance and performance of the HPA/FPA integration, 3) coordinate enforcement activities, and 4) meet annually to review the performance of the HPA/FPA integration. Additionally, WDFW will prepare a status report on this rule implementation every two years for presentation to the commission.

2. Information and Education: The affected public will be informed and educated about the rule through the training programs as described in #1 above. Also, following rule adoption, a press release will be prepared to inform the general public.

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3. **Promotion of Voluntary Compliance:** Voluntary compliance with the rule will be promoted through the training programs as described in #1 above. Additionally, applicants contacting WDFW for an HPA for forest practices in nonfish bearing waters will be notified that this permit is no longer required if they operate with an approved forest practices application issued by DNR.

4. **Rule Evaluation:** Information obtained from the monitoring programs described in #1 will be reviewed by WDFW and DNR at annual meetings to evaluate the compliance and performance of the HPA/FPA integration. This information will be analyzed to evaluate the successes and challenges of this rule implementation, and recommendations for modifications will be developed as necessary. In addition, WDFW will prepare a status report on this rule implementation every two years for presentation to the commission.

Hearing Location: Natural Resources Building, 1111 Washington Street, Olympia, WA, on June 4-5, 2004, begins 8:00 a.m. on June 4, 2004.

Assistance for Persons with Disabilities: Contact Karol McFarlane by May 24, 2004, TDD (360) 902-2533 or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by May 31, 2004.

Date of Intended Adoption: June 4, 2004.

April 5, 2004
Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 97-84, filed 6/4/97, effective 7/5/97)

WAC 220-110-035 Miscellaneous hydraulic projects—Permit requirements and exemptions. (1) Operators of mechanical or hydraulic clam harvesters shall be required to obtain an HPA and comply with provisions of WAC 220-52-018, and shall obtain and comply with the provisions of the department's permit to operate a clam harvesting machine.

(2) An activity conducted solely for the removal or control of spartina does not require an HPA. An activity conducted solely for the removal or control of purple loosestrife and which is performed with hand-held tools, hand-held equipment, or equipment carried by a person when used does not require an HPA. Any other activity conducted solely for the removal or control of aquatic noxious weeds or aquatic beneficial plants shall require either a copy of the current *Aquatic Plants and Fish* pamphlet HPA available from the department or an individual HPA.

(3) The installation, by hand or hand-held tools, of small scientific markers, oyster stakes, boundary markers, or property line markers does not require an HPA.

(4) Driving a vehicle or operating equipment on or across an established ford does not require an HPA. However, ford repair with equipment or construction work waterward of the ordinary high water lines requires an HPA. Driving a vehicle or operating equipment on or across wetted stream beds at areas other than established fords requires an

HPA. HPAs for new fords issued subsequent to January 1995 shall require that the entry and exit points of the ford not exceed one hundred feet upstream or downstream of each other.

(5) A person conducting a remedial action under a consent decree, order, or agreed order, pursuant to chapter 70.105D RCW, and the department of ecology when it conducts a remedial action, are exempt from the procedural requirements of the Hydraulic Code. Compliance with the substantive provisions of the Hydraulic Code is required.

(6) The technical and special provisions of an individual or a pamphlet HPA shall be followed by the permit holder, equipment operator(s), and other individuals conducting the project.

(7) The legislature expressed the intent in RCW 76.09.030(2) for closer integration of the forest practices and hydraulics permitting processes. Pursuant to chapter 76.09 RCW, the forest practices board has adopted rules that include fish protection measures normally included in hydraulic project approvals for projects in nonfish bearing waters. Based on the fish protection measures contained in chapters 222-16, 222-24 and 222-30 WAC, forest practices, as defined in chapter 76.09 RCW, conducted under an approved forest practices application or notification issued by the department of natural resources, and conducted in or across type Np or Ns waters as defined in WAC 222-16-030 (Type 4 or Type 5 Waters, respectively, as defined in WAC 222-16-031), do not require an HPA.

WSR 04-08-072
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
(Filed April 5, 2004, 3:26 p.m.)

Original Notice.

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

Title of Rule: Division of Developmental Disabilities service rules.

Purpose: To correct WAC cross-references and an incorrect description of service.

Other Identifying Information: RCW 34.05.310(4) exempts this proposed rule from filing a CR-101 Preproposal statement of inquiry rules that make corrections or clarify language of the rule without changing its effect.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.10.020.

Statute Being Implemented: 2001-03 Supplemental Budget - ESSB 6387 (chapter 371, Laws of 2002).

Summary: When WAC 388-825-070 and 388-825-090 were adopted in WSR 04-02-044, incorrect WAC cross-references were included and the description of service was incorrect. References to WAC 388-825-065 are changed to WAC 388-825-064 in WAC 388-825-070 and 388-825-090. Reference to SSP is changed to direct payment funds in WAC 388-825-090.

Name of Agency Personnel Responsible for Drafting: Steve Brink, Division of Developmental Disabilities, P.O. Box 5310, Olympia, WA 98504-5310, (360) 902-7716, brinksc@dshs.wa.gov; Implementation and Enforcement: Colleen Erskine, Division of Developmental Disabilities, P.O. Box 5310, Olympia, WA 98504-5310, (360) 902-8470, erskicm@dshs.wa.gov.

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: See Summary above.

Proposal does not change existing rules. WAC 388-825-070 and 388-825-090, references to WAC 388-825-065 are changed to WAC 388-825-064; and WAC 388-825-090, reference to SSP is changed to direct payment funds.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because these rules do not impact small businesses as described in RCW 19.85.020.

RCW 34.05.328 does not apply to this rule adoption. These rules are exempt from this requirement under RCW 34.05.328 (5)(b)(vii). These DSHS rules relate solely to housekeeping changes, making corrections and clarifying the rule without changing its effect.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on May 11, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by May 7, 2004, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaa@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaa@dshs.wa.gov, by 5:00 p.m., May 11, 2004.

Date of Intended Adoption: Not earlier than May 12, 2004.

March 30, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-02-014, filed 12/29/03, effective 1/29/04)

WAC 388-825-070 What happens if I do not spend the funds paid directly to me for employment/day programs as specified in WAC ((388-825-065)) 388-825-064? The department will stop sending these funds directly to you and has the right to recover any funds sent directly to you if it is determined that these funds were not spent as required in WAC ((388-825-065)) 388-825-064.

AMENDATORY SECTION (Amending WSR 04-02-014, filed 12/29/03, effective 1/29/04)

WAC 388-825-090 When will DDD recover direct payment funds sent to me for employment/day program services? DDD may recover funds, known as an overpayment, when:

- (1) You did not spend the direct payment funds on employment/day program services as specified in WAC ((388-825-065)) 388-825-064; or
- (2) You were no longer eligible for services from the division of developmental disabilities in the month in which the ((SSP was)) direct payment funds were issued; or
- (3) Your assessed need has changed.

WSR 04-08-086

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed April 6, 2004, 12:18 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-05-070 and 04-01-147.

Title of Rule: Title 390 WAC, rules relating to sample ballots and slate cards (WAC 390-17-030); status of citizen complaints (WAC 390-37-030); exemptions from political advertising (WAC 390-18-030); explanation and reporting of in-kind contributions (WAC 390-16-207); promise or promise to pay (WAC 390-05-295); personal use of contributions (WAC 390-16-238); citizen action letters (WAC 390-37-041); and PDC regular meetings (WAC 390-12-010).

Purpose: To clarify reporting requirements for candidates and political committees, conform to recent case law and update commission's regular meeting schedule.

Statutory Authority for Adoption: RCW 42.17.370.

Statute Being Implemented: Chapter 42.17 RCW.

Summary: The proposed amendment to WAC 390-17-030 conforms to updated statute by removing the requirement that federal political committees file C-5 reports if they are currently filing reports with the Federal Election Commission. The proposed amendment to WAC 390-37-030 reinstates subsection (3) as a result of recent case law. The proposed amendment to WAC 390-37-041 removes reference to the tolling language and conforms to recent case law. The proposed amendment to WAC 390-18-030 exempts political tickers from the "top five contributor" requirement. The proposed amendment to WAC 390-16-207 indicates that in-kind contributions are to be treated the same as cash contributions. A new rule, WAC 390-05-295, defines promise or promise to pay. The proposed amendment to WAC 390-16-238 further defines personal use. The proposed amendment to WAC 390-12-010 updates the location and schedule of regular meetings.

Reasons Supporting Proposal: The proposed amendments and new rule will clarify the statutory requirements under chapter 42.17 RCW and provide guidance to those entities required to disclose campaign contributions and expenditures.

Name of Agency Personnel Responsible for Drafting and Implementation: Susan Harris, 711 Capitol Way, Room 206, Olympia, (360) 753-1981; and Enforcement: Phil Stutzman, 711 Capitol Way, Room 206, Olympia, (360) 664-8853.

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: See Summary and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

No small business economic impact statement has been prepared under chapter 19.85 RCW. The implementation of these rules has minimal impact on small businesses.

RCW 34.05.328 does not apply to this rule adoption. The Public Disclosure Commission (PDC) is not an agency listed in subsection (5)(a)(i) of section 201. Further, the PDC does not voluntarily make section 201 applicable to this rule adoption pursuant to subsection (5)(a)(i) of section 201, and, to date, JARRC has not made section 201 application to this rule adoption.

Hearing Location: Commission Meeting Room, Evergreen Plaza Building, 711 Capitol Way, Room 206, Olympia, WA, on May 27, 2004, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Ruthann Bryant by May 13, 2004, (360) 753-1111.

Submit Written Comments to: Susan Harris, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112, sharris@pdc.wa.gov, by May 20, 2004.

Date of Intended Adoption: May 27, 2004.

April 6, 2004

Susan Harris

Assistant Director

NEW SECTION

WAC 390-05-295 Definition—Promise or promise to pay. For the purposes of the definition of "expenditure" found in RCW 42.17.020, "promise" or "promise to pay" includes any oral or written order placed, debt or obligation to purchase goods or services or anything of value, or any offer to purchase advertising space, broadcast time or other advertising related product or service.

AMENDATORY SECTION (Amending WSR 94-05-010, filed 2/3/94, effective 3/6/94)

WAC 390-12-010 Public disclosure commission—Regular meetings. Pursuant to RCW 42.30.075, regular meetings of the public disclosure commission ~~((shall))~~ are scheduled to be held on the fourth Tuesday of each ~~((calendar))~~ month at 9:00 a.m. unless a different time is noted on an agenda, except November and December when ((they shall be held on the third Tuesday)) a combined meeting is scheduled to be held during the first or second week of December. The meetings shall be held in the ~~((Second Floor Conference Room))~~ commission meeting room, second floor, Evergreen

Plaza Building, 711 Capitol Way, Olympia, Washington, unless circumstances require relocating to another site. If relocating is required, the meeting shall be held at a place designated by the ~~((chair))~~ executive director of the commission.

AMENDATORY SECTION (Amending WSR 98-12-034, filed 5/28/98, effective 6/28/98)

WAC 390-16-207 In-kind contributions—Explanation and reporting. (1) An in-kind contribution occurs when a person provides goods, services or anything of value, other than money or its equivalent, to a candidate or political committee free-of-charge or for less than fair market value, unless the item or service given is not a contribution according to RCW 42.17.020 (14)(b) or WAC 390-17-405.

(2) An in-kind contribution also occurs when a person makes an expenditure that

- Supports or opposes a candidate or a ballot measure,
- Meets the definition of contribution in RCW 42.17.-020(14) or WAC 390-05-210, and
- Is other than a monetary contribution made directly to a candidate or political committee.

For example, an in-kind contribution occurs when a person, after collaborating with a candidate or a candidate's agent, purchases space in a newspaper for political advertising supporting that candidate or opposing that candidate's opponent.

(3) According to RCW 42.17.095(8) and WAC 390-16-238, a candidate may not use his or her campaign funds to make a contribution, including an in-kind contribution, to another candidate or a political committee. However, under RCW 42.17.095(3), a candidate may use surplus funds as defined in RCW 42.17.020 to make a contribution to a political party or caucus political committee.

(4) **In-kind contributions to recipients who have limits.**

(a) If a state office candidate receives in-kind contributions from any person valued at more than \$25 in the aggregate during an election cycle, the contribution is reportable by the giver and the recipient pursuant to chapter 42.17 RCW and is subject to the applicable contribution limit provided in RCW 42.17.640.

(b) If a bona fide political party or legislative caucus committee receives in-kind contributions from any person valued at more than \$25 in the aggregate during a calendar year, the contribution is reportable by the giver and the recipient pursuant to chapter 42.17 RCW and is subject to the applicable contribution limit provided in RCW 42.17.640.

(c) If a state official against whom recall charges have been filed or a political committee supporting the recall of a state official receives in-kind contributions from any person valued at more than \$25 in the aggregate during a recall campaign, the contribution is reportable by the giver and the recipient pursuant to chapter 42.17 RCW and is subject to the applicable contribution limits provided in RCW 42.17.640.

(5) **Political committees that make in-kind contributions.** A political committee that makes in-kind contributions to a candidate or political committee totaling more than \$50 in the aggregate during a reporting period must identify

the recipient and the amount of the contribution as part of its C-4 report covering that period.

If the in-kind contribution is in the form of an expenditure that has been obligated, but not yet paid, the identity of the recipient candidate or political committee, along with a good faith estimate of the value of the contribution, must be disclosed in part 3 of Schedule B, in addition to the other information required by the form. When the expense is paid, the recipient's name and the amount of the contribution must be disclosed on Schedule A, along with the other information required by the form.

If a political committee provides equipment, property or anything else of value owned, leased or controlled by it to a candidate or political committee, the contributing committee must attach a statement to its C-4 report showing the name of the candidate or political committee to whom the contribution was made and the date, description and fair market value of the in-kind contribution.

(6) **Reporting by recipients.** Except as provided in subsection (4), in-kind contributions from one source are not reportable by the recipient candidate or political committee until the aggregate value of all in-kind contributions received from that source during a reporting period is more than \$50. If this threshold is met, the in-kind contributions must be reported in part 1 of Schedule B to the C-4 report covering that reporting period.

(7) **Valuing in-kind contributions.**

(a) For purposes of determining the value of goods or services provided as in-kind contributions, refer to WAC 390-05-235, Definition—Fair market value.

(b) If an expenditure that constitutes an in-kind contribution is made, the value of the in-kind contribution to a particular candidate or political committee is the portion of the expense that benefits the candidate or political committee.

(8) **Application of RCW 42.17.105(8)—Last-minute contributions.**

(a) If an expenditure that constitutes an in-kind contribution is made no later than twenty-two days before a general election and written notice of the in-kind contribution is in the possession of the recipient candidate committee or political committee twenty-two or more days before that general election, the contribution is not subject to the respective \$5,000 or \$50,000 maximum amounts specified in RCW 42.17.105(8).

(b) If an in-kind contribution is in the form of personal services donated to a campaign for the duration of the twenty-one days before a general election, and if written notice of the value of this donation is in the possession of the recipient candidate or political committee twenty-two or more days before the election, that in-kind contribution is not subject to the respective \$5,000 or \$50,000 maximum amounts specified in RCW 42.17.105(8).

AMENDATORY SECTION (Amending WSR 94-07-141, filed 3/23/94, effective 4/23/94)

WAC 390-16-238 Personal use of contributions—Standard. (1) Except as specifically allowed by chapter 42.17 RCW, any expenditure of a candidate's campaign funds that is not directly related to the candidate's election cam-

paign is a ~~((prohibited))~~ personal use of campaign funds prohibited under RCW 42.17.125.

(2) An expenditure of a candidate's campaign funds shall be considered personal use if it fulfills or pays for any commitment, obligation or expense that would exist irrespective of the candidate's election campaign.

(3) If an activity or expenditure is both personal and campaign related, the campaign may pay no more than the fair market value of its share of the activity or expenditure. For example, if a candidate uses a personal vehicle for campaign purposes, the campaign may reimburse the candidate for:

(a) The prorated share of documented gasoline, maintenance and insurance costs directly related to the campaign's usage of the vehicle; or

(b) The standard mileage rate established by the Internal Revenue Service for those documented miles directly related to the campaign's usage.

(4) Examples of expenditures presumed to be for personal use include, but are not limited to:

(a) Mortgage, rent, utility or maintenance expenses for personal living accommodations;

(b) Clothing purchases and maintenance expenses not related to the campaign;

(c) Automobile expenses not related to the campaign;

(d) Travel expenses not related to the campaign;

(e) Household food items;

(f) Restaurant expenses except for in-person fund-raising or campaign organizational activities;

(g) Tuition payments not related to the campaign;

(h) Admission to sporting events, concerts, theaters, or other forms of entertainment unless the event is primarily related to the candidate's campaign;

(i) Country club membership fees, dues and payments;

(j) Health club or recreational facility membership fees, dues and payments;

(k) Social, civic, fraternal, or professional membership dues, fees and payments unless the expenditure occurs during an election year and membership is required to gain access to the organization's mailing list for campaign purposes or other facilities for the candidate's campaign;

(l) Home or business internet service provider costs;

(m) Home or business newspaper and periodical subscriptions;

(n) Greeting cards to persons who would customarily receive such cards (e.g., family, friends and business associates).

AMENDATORY SECTION (Amending WSR 02-12-007, filed 5/23/02, effective 6/23/02)

WAC 390-17-030 Sample ballots and slate cards. (1) **Intent.** The commission finds that, under certain conditions, expenditures for slate cards and other candidate listings fall within the scope of RCW 42.17.640 (14)(a) and are, therefore, exempt from contribution limits and eligible for payment with a bona fide political party's exempt funds. Slate cards and other candidate listings remain reportable under chapter 42.17 RCW and subject to the political advertising provisions of the law.

The purpose of this exemption from the contribution limits is to allow political parties and other sponsors to tell the general public which candidates they support. The exemption is not intended as a device to circumvent the contribution limits and full reporting requirements by undertaking any degree of significant campaigning on behalf of candidates.

(2) For purposes of RCW 42.17.640 (14)(a), "**sample ballots**" means slate cards, or other candidate listings, whether written or oral, that satisfy the qualifying criteria specified in subsection (10) of this section.

(3) Sample ballots constitute political advertising for a slate or list of candidates and must be properly identified and otherwise in compliance with the political advertising provisions, RCW 42.17.505 through 42.17.550.

(4)(a) A **bona fide political party** may use contributions it receives pursuant to RCW 42.17.640(14) to produce and distribute sample ballots.

(b) Expenditures for sample ballots do not count against a bona fide political party's contribution limit to the candidates listed on the sample ballot. Further, when reporting sample ballot expenditures, a bona fide political party is not required to attribute a portion of the expenditure to each of the candidates listed on the sample ballot, but the names of the candidates must be reported along with the other information required by chapter 42.17 RCW and chapter 390-17 WAC.

(5) **Any person**, as defined by RCW 42.17.020, who makes an expenditure for sample ballots has made an expenditure that does not count against that person's contribution limit to the candidates listed.

(6) An **in-state political committee**, when disclosing expenditures for sample ballots as part of its C-4 report, is not required to attribute a portion of the expenditure to the candidates listed on the sample ballot, but the names of the candidates and their respective party affiliations must be reported along with other information required by chapter 42.17 RCW and chapter 390-17 WAC.

(7) An **out-of-state (or federal) committee**, when disclosing expenditures for sample ballots on a C-5 report, is not required to allocate a portion of the expenditure to the candidates listed on the sample ballot, but must report that an expenditure for sample ballots was made, the name and address of the person to whom the expenditure was made, the full amount of the expenditure, and the name, office sought and party affiliation of each candidate listed on the sample ballot. The report is due (~~within ten days of the date the sample ballot is received by recipients~~) no later than the 20th day of the month following the month in which the expenditure was made.

(8) If a **lobbyist or lobbyist employer** makes expenditures for sample ballots, those expenditures are required to be reported in detail on the lobbyist's monthly L-2 report. Itemization of these expenditures must include the names and respective party affiliations of the candidates listed on the sample ballot, but no portion of the expenditure need be allocated to individual candidates listed on the sample ballot.

(9) **The candidates listed on a sample ballot** are not required to report any portion of the expenditure as an in-kind contribution to their campaigns.

(10) **Qualifying criteria for sample ballots, slate cards and other candidate listings.** In order not to count against a person's contribution limit to the candidates listed on a sample ballot and, in the case of a bona fide political party, in order to be eligible for payment with contributions received pursuant to RCW 42.17.640(14), a sample ballot must satisfy **all** of the criteria in (a) through (d) of this subsection.

(a) The sample ballot must list the names of at least three candidates for election to public office in Washington state and be distributed in a geographical area where voters are eligible to vote for at least three candidates listed. The candidate listing may include any combination of three or more candidates, whether the candidates are seeking federal, state or local office in Washington.

(b) The sample ballot must not be distributed through public political advertising; for example, through broadcast media, newspapers, magazines, billboards or the like. The sample ballot may be distributed through direct mail, telephone, electronic mail, Web sites, electronic bulletin boards, electronic billboards or personal delivery by volunteers.

(c) The content of a sample ballot is limited to:

- The identification of each candidate (pictures may be used);
- The office or position currently held;
- The office sought;
- Party affiliation; and
- Information about voting hours and locations.

Therefore, the sample ballot must exclude any additional biographical data on candidates and their positions on issues as well as statements about the sponsor's philosophy, goals or accomplishments. The list must also exclude any statements, check marks or other indications showing support of or opposition to ballot propositions.

(d) The sample ballot is a stand-alone political advertisement. It must not be a portion of a more comprehensive message or combined in the same mailing or packet with any other information, including get-out-the-vote material, candidate brochures, or statements about the sponsor's philosophy, goals or accomplishments. On Web sites, electronic bulletin boards or electronic billboards, the sample ballot must be a separate document.

AMENDATORY SECTION (Amending WSR 95-01-074A, filed 12/16/94, effective 1/16/95)

WAC 390-18-030 Political advertising—Exemptions from identification. (1) Pursuant to RCW 42.17.510(4), the following forms of political advertising need not include the sponsor's name and address, the "notice to voters" or the "top five contributors" information as otherwise required by RCW 42.17.510 (1) and (2) because such identification is impractical: Ashtrays, badges and badge holders, balloons, bingo chips, brushes, bumper stickers—size 4" x 15" or smaller, buttons, cigarette lighters, clothes pins, clothing, coasters, combs, cups, earrings, emery boards, envelopes, erasers, frisbees, glasses, golf balls, golf tees, hand-held signs, hats, horns, ice scrapers, inscriptions, key rings, knives, labels, letter openers, magnifying glasses, matchbooks, nail clippers, nail files, newspaper ads of one column inch or less, noise-makers, paper and plastic cups, paper and plastic plates,

**WSR 04-08-087
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed April 6, 2004, 12:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-09-090.

Title of Rule: Safety regulations and fees for all elevators, dumbwaiters, escalators and other conveyances, chapter 296-96 WAC.

Purpose: The purpose of this rule making is to:

- Implement legislation relating to the licensing of elevator mechanics and contractors from chapter 98, Laws of 2002 (SHB 2629), chapter 143, Laws of 2003 (ESSB 5942) and SB 6650;
- Adopt the most recent versions of the American Society of Mechanical Engineers national standards for elevators, escalators, and other conveyances, with exceptions and state specific requirements;
- Incorporate necessary policy into rule;
- Make changes based on feedback and recommendations of the Elevator Safety Advisory Committee and various other stakeholders;
- Make several other clarifying and housekeeping changes.

A brief summary of the changes to these rules is as follows:

WAC SECTION NUMBER(S)	BRIEF SUMMARY OF CHANGES
WAC 296-96-00500	Expanded the scope of the chapter to necessary to implement legislative changes.
WAC 296-96-00600	Made clarification changes consistent with current department policy and practice.
WAC 296-96-00650	Adopted the most recent nationally recognized consensus codes pertaining to elevators and other conveyances, with exceptions.
WAC 296-96-00700	Eliminated definitions that are currently found in statute and/or included in the applicable, adopted national consensus standards. Also, added definitions necessary for use with this chapter.
WAC 296-96-00800	Made changes based on 2003 legislative changes.
New section WAC 296-96-00805	Clarified the appeal procedures necessary for use with this chapter.
PART B (New sections WAC 296-96-00900 through 296-96-00930)	Established a new part for purposes of establishing the licensing requirements to implement 2002, 2003, and 2004 legislative changes.
PART B-1	Renumbered the existing Part B to B-1.
WAC 296-96-01000	Clarified the permit process consistent with department policy and practice.
WAC 296-96-01005	Made minor clarification changes.
New section WAC 296-96-01006	Added a new section to clarify the current types of conveyance work that requires permitting and inspection. These changes are necessary based on 2003 legislative changes.

paper weights, pencils, pendants, pennants, pens, pinwheels, plastic tableware, pocket protectors, political tickers, pot holders, reader boards where message is affixed in moveable letters, ribbons, 12-inch or shorter rulers, shoe horns, sky-writing, staple removers, stickers—size 2-3/4" x 1" or smaller, sunglasses, sun visors, swizzle sticks, state or local voters pamphlets published pursuant to law, tickets to fund raisers, water towers, whistles, yard signs—size 4' x 8' or smaller, yo-yos, and all other similar items.

(2) Political tickers are text messages that scroll across a television screen during scheduled programming.

AMENDATORY SECTION (Amending WSR 03-22-065, filed 11/4/03, effective 12/5/03)

WAC 390-37-030 Enforcement procedures—Citizen complaints filed with the commission. (1) When a citizen complaint has been filed with the agency pursuant to WAC 390-37-040, neither the complainant nor any other person shall have special standing to participate or intervene in the investigation or consideration of the complaint by the commission. However, the staff shall give notice to the complainant of any open commission hearings on the matter and the complainant may be called as a witness in any enforcement hearing or investigative proceeding.

(2) The complainant or any other person may submit documentary evidence and/or written factual or legal statements to the staff at any time up to and including the fifth calendar day before the date of any enforcement hearing or proceeding.

(3) A person not satisfied with the dismissal of a complaint by the commission or its executive director may pursue an appropriate remedy under RCW 42.17.400(4).

AMENDATORY SECTION (Amending WSR 03-22-065, filed 11/4/03, effective 12/5/03)

WAC 390-37-041 Enforcement procedures—Allegations submitted to the attorney general's office and/or prosecuting attorneys. ~~((1))~~ When a person has notified the attorney general or prosecuting attorney under RCW 42.17.400(4) that there is reason to believe a violation of the sections of chapter 42.17 RCW enforced by the commission has occurred, ~~((the statutory time periods are tolled when))~~ and the attorney general or prosecutor forwards the complaint to the commission~~((~~

~~((2) After the allegations have been forwarded to the commission)),~~ commission staff may:

~~((a))~~ (1) Initiate an investigation;

~~((b))~~ (2) Submit a report to the commission that may include a recommendation;

~~((c))~~ (3) Schedule the matter for an adjudicative proceeding before the commission following investigation; and/or

~~((d))~~ (4) Take any other steps consistent with the agency's authority and resources.

PROPOSED

WAC SECTION NUMBER(S)	BRIEF SUMMARY OF CHANGES
New section WAC 296-96-01007	Added a new section to clarify the current inspection and approval process. These changes establish current department policy and practice into rule.
New section WAC 296-96-01009	Added a new section based on 2003 legislative changes relating to who is allowed to purchase a permit.
WAC 296-96-01010	Made minor clarification changes.
WAC 296-96-01027	Made minor clarification changes.
WAC 296-96-01035	Made clarification changes to the red-tag status requirements to ensure consistency with local building occupancy requirements.
WAC 296-96-01070	Made changes based on 2003 legislative changes and other clarification related changes. Also, added a new penalty for the removal of a red tag from a conveyance.
New section WAC 296-96-01075	Added a new section to clarify the variance process. These changes are establishing current department policy and practice into rule.
WAC 296-96-01080	Repealed this section as it moved and clarified in Part A of this chapter.
New section WAC 296-96-02230	Added a new section to clarify the notification process for new and altered inspections. These changes are establishing current department policy and practice into rule.
New section WAC 296-96-02232	Added a new section to clarify the conditions for obtaining temporary operating permits. These changes are establishing current department policy and practice into rule.
New section WAC 296-96-02235	Added a new section to clarify the requirements for temporary operating permits. These changes are establishing current department policy and practice into rule.
WAC 296-96-02240	Clarified the exceptions from the requirements of this section.
WAC 296-96-02275	Clarified the requirements associated with Fireman's Service Phase I and II recall. These changes are establishing current department policy and practice into rule.
New section WAC 296-96-02276	Added a new section to clarify the requirements for sprinklers in hoistways and machine rooms. These changes establish current department policy and practice into rule.
WAC 296-96-02277	Made clarification changes to this section based on changes to the ASME. Also, clarified the exceptions from this section and made other clarification changes.
WAC 296-96-02278	Established requirements associated with keys being located on site. Previously, this rule was only a recommendation.
WAC 296-96-02280	Removed unnecessary language and clarified the exceptions from the requirements of this section.
WAC 296-96-02281	Clarified that the hatch must be able to be opened without the use of tools. These changes establish current department policy and practice into rule.
New section WAC 296-96-02282	Added a new section to establish requirements for firefighters' service that are less rigid than the adopted national consensus standards. Also, clarified the exceptions from the requirements of this section.

WAC SECTION NUMBER(S)	BRIEF SUMMARY OF CHANGES
New section WAC 296-96-02283(3)	Added a new section to clarify the minimum working space in machine rooms, which do not supercede NFPA 70.
New section WAC 296-96-02285(1)	Added a new section to clarify exceptions associated with correction facility elevators.
New section WAC 296-96-02290	Established requirements associated with underground hydraulic elevator pipes, fittings, and cylinders. These changes establish current department policy and practice into rule.
WAC 296-96-02310	Clarified the exceptions from the requirements of this section.
WAC 296-96-02315	Made clarification changes relating to car interiors. Also, made changes to ensure consistency with local building official requirements.
New section WAC 296-96-02317	Added a new section to ensure that local building officials are notified and approve conveyance type for existing buildings.
New section WAC 296-96-02318	Added a new section to ensure consistency with local building official requirements relating to accessibility access.
WAC 296-96-02320	Made minor clarification changes. Clarified the exceptions from the requirements of this section.
WAC 296-96-02325	Clarified the exceptions from the requirements of this section.
WAC 296-96-02330	Made clarification changes relating to communication devices. Clarified the exceptions from the requirements of this section.
WAC 296-96-02340	Clarified that residential elevators must have one handrail consistent with current policy. Also, clarified the exceptions from the requirements of this section.
WAC 296-96-02350	Clarified the exceptions from the requirements of this section.
WAC 296-96-02360	Clarified the exceptions from the requirements of this section.
New section WAC 296-96-02361	Added a new section to clarify the requirements associated with electrical mainline disconnects.
New section WAC 296-96-02362	Added a new section to clarify the requirements associated with machine rooms and established current department policy and practice into rule.
New section WAC 296-96-02363	Added a new section to clarify the requirements associated with fire doors and established current department policy and practice into rule.
New section WAC 296-96-02364	Added a new section to clarify the requirements associated with elevator pit equipment and established current department policy and practice into rule.
Repealed section WAC 296-96-02365	Repealed this section and incorporated it into WAC 296-96-02370.
New section WAC 296-96-02366	Added a new section to clarify the requirements associated with submersible pumps and sumps and established current department policy and practice into rule.
New section WAC 296-96-02367	Added a new section to clarify the requirements associated with top of car lighting and established current department policy and practice into rule.

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WAC SECTION NUMBER(S)	BRIEF SUMMARY OF CHANGES
New section WAC 296-96-02370	Added a new section to clarify the requirements associated with physically handicapped lifts. Made changes to coincide with new state building code requirements.
New section WAC 296-96-02371	Added a new section to clarify the requirements associated [with] private residence inclined stairway chairlifts consistent with national electrical standards.
WAC 296-96-05010	Made minor clarification changes to eliminate unnecessary provisions.
WAC 296-96-05030	Added a new section to clarify the requirements associated [with] electrical equipment for hoistway gates and doors consistent with national electrical standards.
WAC 296-96-05070	Made changes to clarify the requirements associated with gates on material lifts to ensure materials are enclosed.
WAC 296-96-05160	Made minor clarification changes.
WAC 296-96-05170	Made clarification changes and established current department policy and practice into rule.
WAC 296-96-05230	Made clarification change to correct a reference.
WAC 296-96-05290	Made changes based on 2003 legislative changes relating to who is allowed to test in light of the new licensing requirements.
WAC 296-96-07010	Made a minor housekeeping change.
New section WAC 296-96-07021	Added a new section to clarify the permitting and inspection requirements associated with existing inclined private residence elevators.
New section WAC 296-96-07024	Added a new section to clarify the permitting and inspection requirements associated with alterations of existing inclined private residence elevators.
WAC 296-96-07080	Made changes to ensure consistency with ASME.
WAC 296-96-07100	Made changes to ensure consistency with ASME.
WAC 296-96-07170	Made changes to ensure consistency with ASME.
WAC 296-96-07180	Made clarification changes relating to driving machines and sheaves and established current department policy and practice into rule.
WAC 296-96-07190	Made clarification changes.
WAC 296-96-07200	Made clarification changes and established provisions to provide more flexibility to users and owners.
New section WAC 296-96-07215	Added a new section to clarify that all controllers must be labeled and listed. This is consistent with national electrical standards and current department policy and practice into rule.
WAC 296-96-07230	Made clarification changes.
WAC 296-96-07250	Made clarification changes to the inclined private residence elevators requirements to ensure protection from unauthorized access.
WAC 296-96-08010	Made minor housekeeping changes.
WAC 296-96-08020	Made minor housekeeping changes.
New section WAC 296-96-08022	Added a new section to clarify the requirements associated with inclined private residence conveyances and establishing current department policy and practice into rule.

WAC SECTION NUMBER(S)	BRIEF SUMMARY OF CHANGES
New section WAC 296-96-08024	Added a new section to clarify the requirements associated with alterations of inclined private residence conveyances and establishing current department policy and practice into rule.
WAC 296-96-08030	Made minor housekeeping changes.
WAC 296-96-08050	Made minor housekeeping changes.
WAC 296-96-08060	Made minor housekeeping changes.
WAC 296-96-08090	Made minor housekeeping changes.
WAC 296-96-08100	Made minor housekeeping changes.
WAC 296-96-08110	Made minor housekeeping changes.
WAC 296-96-08140	Made minor housekeeping changes.
WAC 296-96-08150	Made minor housekeeping changes.
WAC 296-96-08160	Made minor housekeeping changes.
WAC 296-96-08170	Made minor housekeeping changes.
WAC 296-96-08175	Made minor housekeeping changes.
WAC 296-96-08180	Made minor housekeeping changes.
WAC 296-96-08190	Made minor housekeeping changes.
WAC 296-96-08200	Clarified the requirements associated with inclined private residence conveyance activation methods, which allow greater flexibility.
New section WAC 296-96-08215	Added a new section to clarify that all controllers must be labeled and listed. This is consistent with national electrical standards and current department policy and practice into rule.
WAC 296-96-08220	Made minor housekeeping changes.
WAC 296-96-08230	Made minor housekeeping changes.
WAC 296-96-08250	Made clarification changes to the inclined private residence elevators requirements to ensure protection from unauthorized access.
WAC 296-96-09002	Made clarification changes.
New section WAC 296-96-09003	Added a new section to clarify that landing gates must be equipped with electrical gate switches and established current department policy and practice into rule.
New section WAC 296-96-09004	Added a new section to clarify the inspection requirements associated with jumps for personnel hoists and established current department policy and practice into rule.
New section WAC 296-96-10002	Added a new section to clarify the inspection requirements associated with jumps for material hoists and established current department policy and practice into rule.
PART C5	Made a minor housekeeping change.
Repealed section WAC 296-96-11000	Repealed this section as it is no longer necessary.
WAC 296-96-11001	Made changes to clarify the codes that must be complied with for belt manlifts.
WAC 296-96-11016	Made minor housekeeping changes.
WAC 296-96-11019	Made minor housekeeping changes.
WAC 296-96-11022	Made clarification changes.
WAC 296-96-11045	Made changes to clarify the repair and replacement requirements for belts.
WAC 296-96-11057	Made clarification changes and clarified that when a bar is used it must be of the "break-away" type.
WAC 296-96-11078	Made changes based on ASME requirements and established current department policy and practice in rule.

WAC SECTION NUMBER(S)	BRIEF SUMMARY OF CHANGES
New section WAC 296-96-11080	Made changes based on 2003 legislative changes relating to the new licensing requirements. Also, made other changes consistent with ASME.
Electric Manlifts New sections WAC 296-96-13135 through 296-96-13171	Established electric manlifts requirements into chapter 296-96 WAC based on 1998 legislative changes. The department is currently utilizing the electric manlift requirements found in chapter 296-56 WAC. These changes are consistent with current department policy and practice.
WAC 296-96-14045	Clarified that the weights must be contained and established current department policy and practice into rule.
WAC 296-96-14060	Made clarification changes relating to hoisting ropes consistent with national standards.
WAC 296-96-14070	Made clarification changes.
WAC 296-96-14080	Made clarification changes.
WAC 296-96-16040	Made minor housekeeping changes.
WAC 296-96-16150	Made minor housekeeping changes.
WAC 296-96-23100	Established requirements associated with keys being located on site. Previously, this rule was only a recommendation.
WAC 296-96-23101	Clarified the exceptions from this section.
New sections WAC 296-96-23117 through 296-96-23119	Created a new section to clarify the requirements associated with top of car railings for traction elevators and established current department policy and practice into rule.
WAC 296-96-23151	Clarified the requirements associated with center-opening doors.
WAC 296-96-23240	Made minor housekeeping changes.
WAC 296-96-23270	Clarified that top of car operating stations must be installed under certain circumstances and established current department policy and practice into rule.
WAC 296-96-23287	Clarified the exceptions from this section.
WAC 296-96-23610	Made clarification changes. Several of these changes are as a result of changes to ASME.

Statutory Authority for Adoption: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, chapter 98, Laws of 2002 (SHB 2629), chapter 143, Laws of 2003, (ESSB 5942) and SB 6650.

Statute Being Implemented: Chapter 70.87 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Dotty Stanlaske, Tumwater, (360) 902-6128; Implementation and Enforcement: Patrick Woods, Tumwater, (360) 902-6348.

Name of Proponent: Department of Labor and Industries, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has

considered whether these proposed rules are subject to the Regulatory Fairness Act and has determined that they do not require a small business economic impact statement because the costs associated with the proposed rules will not place a more than minor impact on any business or contractor or are exempted by law (see RCW 19.85.025 referencing RCW 34.05.310(4)) from the small business economic impact requirements.

RCW 34.05.328 applies to this rule adoption. Significant rule-making criteria does apply to these rule changes because the exempt criteria outlined in RCW 34.05.328(5) was not met.

Hearing Location: Department of Labor and Industries Building, 901 North Monroe Street, Suite 100, Spokane, WA, on May 11, 2004, at 1:00 p.m.; and at the Department of Labor and Industries Building, 7273 Linderson Way S.W., Tumwater, WA, on May 12, 2004 at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Christine Swanson by May 3, 2004, at (360) 902-6411 or copc235@LNI.wa.gov.

Submit Written Comments to: Christine Swanson, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, e-mail copc235@lni.wa.gov, fax (360) 902-5292, by May 12, 2004. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: May 18, 2004.

April 6, 2004
Paul Trause
Director

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-00500 Scope, purpose, and authority. This chapter is authorized by chapter 70.87 RCW covering elevators, lifting devices, ~~((and))~~ moving walks, and other conveyances. The purpose of this chapter is to:

(1) Provide for the safe design, mechanical and electrical operation, ~~((construction, installation, alteration, inspection, relocation, and repair of conveyances;))~~ and inspection of conveyances, and performance of conveyance work;

(2) Ensure that all such operation, ~~((construction, installation, alteration, inspection, and repair))~~ design inspection, and conveyance work subject to the provisions of this chapter will be reasonably safe to persons and property and in conformity with the provisions of this chapter and the applicable statutes of the state of Washington.

(3) Establish and ensure compliance with the minimum standards for becoming a licensed elevator contractor and/or licensed elevator mechanic performing work on elevators or other conveyances covered by chapter 70.87 RCW and this chapter.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-00600 What rules apply to your conveyance? Elevators and other conveyances must comply with the rules adopted by the department that were in effect at the time the conveyance was permitted, regardless of whether

the rule(s) has been repealed, unless any new rule specifically states that it applies to all ((elevators)) conveyances, regardless of when the ((elevator)) conveyance was permitted. Copies of previous rules adopted by the department are available upon request.

Please note, if the ((elevator)) conveyance is altered ((#)) the components associated with the alteration must comply

with all of the applicable rules adopted by the department in effect at the time the conveyance was altered. If the department determines that a conveyance was altered without a permit and inspection, the alteration will be required to comply with the applicable rules adopted by the department at the time the noncompliant alteration was identified.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-00650 Which National Elevator Codes and Supplements has the department adopted?

NATIONAL ELEVATOR CODES AND SUPPLEMENTS ADOPTED				
TYPE OF CONVEYANCE	NATIONAL CODE AND SUPPLEMENTS	DATE INSTALLED		COMMENTS
		FROM	TO	
Elevators, Dumbwaiters, Escalators	American Standard Safety Code (ASA) A17.1, 1960	Prior to 11/1/1963		Adopted Standard Part X of ASA applies to all installations in existence prior to 11/1/63.
Elevators, Dumbwaiters, Escalators	American Standard Safety Code (ASA) A17.1, 1960	11/1/1963	12/29/1967	Adopted Standard
Moving Walks	American Safety Association A17.1.13, 1962	11/1/1963	12/29/1967	Adopted Standard
Elevators, Dumbwaiters, Escalators, and Moving Walks	U.S.A. Standards (USAS) USAS A17.1, 1965; Supplements A17.1a, 1967; A17.1b, 1968; A17.1c, 1969;	12/30/1967	2/24/1972	Adopted Standard USAS 1965 includes revision and consolidation of A17.1-1, 1960, A17.1a, 1963, and A17.1-13, 1962. Adopted code and supplements, excluding Appendix E and ANSI 17.1d, 1970.
Elevators, Dumbwaiters, Escalators, and Moving Walks	American National Standard Institute ANSI A17.1, 1971	2/25/1972	6/30/1982	Adopted Standard as amended and revised through 1971.
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI A17.1, 1971; A17.1a, 1972	2/25/1972	6/30/1982	Adopted Supplement
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI A17.1, 1981	7/1/1982	1/9/1986	Adopted Standard
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI A17.1a, 1982	3/1/1984	1/9/1986	Adopted Supplement
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI A17.1b, 1983	12/1/1984	1/9/1986	Adopted Supplement, except portable escalators covered by Part VIII of A17.1b, 1983.
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI A17.1, 1984	1/10/1986	12/31/1988	Adopted Standard Except Part XIX. After 11/1/1988 Part II, Rule 211.3b was replaced by WAC 296-81-275.

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NATIONAL ELEVATOR CODES AND SUPPLEMENTS ADOPTED				
TYPE OF CONVEYANCE	NATIONAL CODE AND SUPPLEMENTS	DATE INSTALLED		COMMENTS
		FROM	TO	
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI A17.1a, 1985	1/10/1986	12/31/1988	Adopted Supplement
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI A17.1b, 1985; A17.1c, 1986; A17.1d, 1986; and A17.1e, 1987	12/6/1987	12/31/1988	Adopted Supplement
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI A17.1, 1987	1/1/1989	12/31/1992	Adopted Standard Except Part XIX and Part II, Rule 211.3b. WAC 296-81-275 replaced Part II, Rule 211.3b.
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI A17.1, 1990	1/1/1993	2/28/1995	Adopted Standard Except Part XIX and Part V, Section 513. Chapter 296-94 WAC replaced Part V, Section 513.
Elevators, Dumbwaiters, Escalators, and Moving Walks	ANSI A17.1, 1993	3/1/1995	6/30/1998	Adopted Standard Except Part XIX and Part V, Section 513. Chapter 296-94 WAC replaced Part V, Section 513.
Elevators, Dumbwaiters, Escalators, and Moving Walks	ASME A17.1, 1996	6/30/1998	((Current)) <u>Effective date of these rules</u>	Adopted Standard Except Part V, Section 513.
<u>Elevators, Dumbwaiters, Escalators, and Moving Walks</u>	<u>ASME A17.1, 2000; A17.1a, 2002; A17.1b, 2003</u>	<u>Effective date of these rules</u>	<u>Current</u>	<u>Adopted Standards and Addenda Except Rules 2.4.12.2, 8.6.5.8 and Sections 5.4, 7.4, 7.5, 7.6, 7.9, 7.10, 8.10.1-1.3 and 8.11.1.1.</u>
<u>Safety Standards for Platform Lifts and Stairway Chairlifts</u>	<u>ASME A18.1, 1999; A18.1a, 2001; A18.1b, 2001</u>	<u>Effective date of these rules</u>	<u>Current</u>	<u>Adopted Standards and Addenda.</u>

Note: Copies of codes and supplements can be obtained from The American Society of Mechanical Engineers, Order Department, 22 Law Drive, Box 2900, Fairfield, New Jersey, 07007-2900 or by visiting www.asme.org.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-00700 Chapter definitions. The following ~~((general))~~ definitions apply to this chapter (see RCW 70.87.010 for additional definitions necessary for use with this chapter):

"ANSI" means the American National Standard Institute.

"ASA" means the American Safety Association.

"ASME" means the American Society of Mechanical Engineers.

~~("Automobile parking elevator" means an elevator that is located in either a stationary or horizontally moving hoistway and is used exclusively for parking automobiles.~~

~~(a) During the parking process, each automobile moves onto or off of the elevator under its own power or by a power driven transfer device into parking spaces or cubicles directly in line with the elevator.~~

~~(b) Normally, no person is stationed on any level except the receiving level.~~

"Belt manlift" means a power driven endless belt with steps or platforms and handholds used for the transportation of personnel from floor to floor.

"Boat launching elevator" means an elevator that:

- (a) Serves a boat launching structure and a beach or water surface; and
- (b) Is used for carrying or handling boats in which people ride.

"Casket lift" means a lift that:

- (a) Is installed at a mortuary;
- (b) Is designed exclusively for carrying caskets;
- (c) Moves in guides in basically a vertical direction; and
- (d) Serves two or more floors or landings.

"Code" refers to nationally accepted codes (i.e. ASME, ANSI, ASA, and NEC) and/or the Washington Administrative Code.

"Conveyance" means an elevator, escalator, dumbwaiter, belt manlift, automobile parking elevator, moving walk, as well as, other elevating devices defined in this chapter.

"Department" means the department of labor and industries.

"Director" means the director of the department or the director's representative.

"Direct plunger hydraulic elevator" means a hydraulic elevator with a plunger or cylinder attached to the car frame or platform.

"Dumbwaiter" means a hoisting and lowering mechanism equipped with a car that:

- (a) Moves in guides in substantially a vertical direction;
- (b) Has a floor area that does not exceed 9 square feet;
- (c) Has an inside height that does not exceed 4 feet;
- (d) Has a capacity that does not exceed 500 pounds; and
- (e) Is used exclusively for carrying materials.

"Electric elevator" means an elevator powered by an electric driving machine.

"Electro hydraulic elevator" means a direct plunger elevator where a pump driven by an electric motor pumps liquid, under pressure, directly into the cylinder.

"Elevator" means:

- (1) A hoisting or lowering machine;
- (2) Equipped with a car or platform that moves in guides; and
- (3) Services two or more floors or landings of a building or structure.

"Escalator" means a power driven, inclined, continuous stairway used for raising and lowering passengers.

"Freight elevator" means an elevator:

- (a) Used primarily for carrying freight; and
- (b) Whose passengers are limited to the operator, people needed to load and unload freight, and other employees approved by the department.

"Hand elevator" means an elevator where manual energy moves the car.

"Hydraulic elevator" means an elevator powered by a plunger or piston moved by pressurized liquid in a cylinder.

"Inclined elevator" means an elevator that travels at an inclined angle of 70 degrees or less from the horizontal.

"Inspector" means a department elevator inspector or an inspector in a municipality with an elevator ordinance in effect according to RCW 70.87.200.

"Limited use/limited application elevator (LULA)" means a powered passenger elevator whose use and applica-

tion is limited by size, capacity, speed, and rise. It is principally used for vertically transporting people with physical disabilities.

"Maintained pressure hydraulic elevator" means a direct plunger elevator where pressurized liquid is always available for transfer into the cylinder.

"Material hoist" means a hoist that is:

- (a) Not part of a permanent structure;
- (b) Installed inside or outside buildings during construction, alteration, or demolition;
- (c) Used to raise or lower materials associated with the building project; and

"Material lift" means a lift that is not part of a conveying system and is:

- (a) Permanently installed in a commercial or industrial area;
- (b) Not accessible to the general public or intended to be operated by the general public.

"Moving walk" means a passenger carrying device on which:

- (a) Passengers stand or walk; and
- (b) The carrying surface remains parallel to its direction of motion.

"Multideck elevator" means an elevator having two or more compartments located one immediately above the other.

"NEC" means the National Electrical Code.

"Observation elevator" means an elevator designed for exterior viewing by passengers while the car is traveling.

"One man capacity manlift" means a single passenger device that:

- (a) Is either hand powered counterweighted or electric powered;
- (b) Travels vertically in guides; and
- (c) Serves two or more landings.

"Owner" means any person having title to or control of a conveyance, as guardian, trustee, lessee, or otherwise.

"Passenger elevator" means an elevator used to carry passengers but may also be used to carry freight or materials if the load does not exceed the capacity of the elevator.

"Permit" means a permit issued by the department to construct, alter, install, relocate, or operate a conveyance.

"Person" means an individual, this state, a political subdivision of this state, any public or private corporation, any firm, or any other entity.

"Personnel hoist" means a hoist that is:

- (a) Not part of a permanent structure;
- (b) Installed inside or outside buildings during construction, alteration or demolition;
- (c) Used to raise or lower workers and other persons associated with the building project; and
- (d) Used for the transportation of materials when necessary.

"Power elevator" means an elevator using energy, other than gravitational or manual energy, to move the car.

"Private residence conveyance" means a conveyance installed in or on the premises of a single family dwelling and used to transport people or property from one elevation to another.

"Rack and pinion elevator" means a power elevator, with or without counterweights, supported, raised and lowered by a motor(s) driving a pinion(s) on a stationary rack mounted in the hoistway.

"Rooftop elevator" means a powered passenger or freight elevator that operates between a roof level landing and a landing below and opens, horizontally, onto a building roof.

"Roped hydraulic elevator" means a hydraulic elevator with its plunger or piston coupled to the car by wire ropes and sheaves.

"Screw column elevator" means a powered elevator with a non-counterweighted car supported, raised and lowered by a screw thread.

"Sidewalk elevator" means a freight elevator that operates between the sidewalk or other areas outside a building and the building floor levels below; and

(a) At its upper travel limit, has no landing opening into the building; and

(b) Is not used to carry automobiles.

"Special purpose personnel elevator" means an elevator that is limited in size, capacity, and speed and is:

(a) Permanently installed in grain elevators, radio antennas, bridge towers, underground facilities, dams, power plants and similar structures; and

(b) Used to vertically transport authorized personnel, their tools and equipment.

"Stairway chair lift" means a lift that travels in an inclined direction and is designed for use by disabled persons.

"USAS" means the U.S.A. Standards.

"WAC" means the Washington Administrative Code.

"Wheelchair lift" means a lift that travels in a vertical or inclined direction and is designed for use by wheelchair users.

"Workmen's construction elevator" means a permanent elevator used temporarily during construction for personnel and materials. **"Acceptable proof"** refers to the documentation that must be provided to the department during the elevator contractor and mechanic license application and renewal process. Acceptable proof may include department-approved forms documenting years of experience, affidavits, letters from previous employers, declarations of experience, education credits, copies of contractor registration information, etc. Additional documentation may be requested by the department to verify the information provided on the application.

"Code" refers to nationally accepted codes (i.e., ASME, ANSI, ASA, and NEC) and/or the Washington Administrative Code.

"Decommissioned conveyance" means an installation whose power feed lines have been disconnected and:

(a) A traction elevator, dumbwaiter, or material lift whose suspension ropes have been removed, whose car and counterweight rests at the bottom of the hoistway, and whose hoistway doors have been permanently barricaded or sealed in the closed position on the hoistway side;

(b) A hydraulic elevator, dumbwaiter, or material lift whose: Car rests at the bottom of the hoistway, pressure piping has been disassembled and a section removed from the premises, hoistway doors have been permanently barricaded

or sealed in the closed position on the hoistway side, suspension ropes have been removed and counterweights, if provided, landed at the bottom of the hoistway; or

(c) An escalator or moving walk whose entrances have been permanently barricaded.

"Final judgment" means any money that is owed the department as the result of an individual's or firm's unsuccessful appeal of a civil penalty. Final judgment also includes any penalties assessed against an individual or firm owed the department as a result of an unappealed civil penalty or any outstanding fees due under chapter 70.87 RCW and this chapter.

"General direction—Installation and alteration work" means the necessary education, assistance, and supervision provided by a licensed elevator mechanic (in the appropriate category) who is on the same job site as the helper/apprentice at least seventy-five percent of each working day. The ratio of helper to mechanic shall be one-to-one.

"General direction—Maintenance work" means the necessary education, assistance, and supervision provided by a licensed elevator mechanic (in the appropriate category) to ensure that the maintenance work is performed safely and to code.

"Lockout" means the placement of a lockout device on an energy isolating device, in accordance with an established procedure, ensuring that the energy isolating device and the equipment being controlled cannot be operated until the lockout device is removed.

"Primary point of contact" is the designated individual employed by a licensed elevator contractor.

"Red tag" or "red tag status" means an elevator or other conveyance that has been removed from service and operation because of noncompliance with chapter 70.87 RCW and this chapter or at the request of the owner.

"Private residence elevator" (residential elevator) means a power passenger elevator which is limited in size, capacity, rise and speed and is installed in a private residence or multiple dwelling as a means of access to a private residence provided the elevators are so installed that they are not accessible to the general public or to other occupants in the building.

"RCW" means the Revised Code of Washington.

"Tagout" means the placement of a tagout device on an energy isolating device, in accordance with an established procedure, to indicate that the energy isolating device and the equipment being controlled may not be operated until the tagout device is removed.

"Traction elevator" means an elevator in which the friction between the hoist ropes and the machine sheave is used to move the elevator car.

"USAS" means the U.S.A. Standards.

"WAC" means the Washington Administrative Code.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-00800 Advisory committee on conveyances. (1) The purpose of the advisory committee is to advise the department on the adoption of regulations that apply to conveyances; methods of enforcing and administering the

elevator law, chapter 70.87 RCW; and matters of concern to the conveyance industry and to the individual installers, owners and users of conveyances.

(2) The advisory committee consists of ~~((five persons))~~ ~~seven members~~ appointed by the director ~~((of the department with the advice of the chief of the elevator section))~~ or his or her authorized representative.

(3) The committee members shall serve four years. However, if a member is unable to fulfill his or her obligations, a new member may be appointed.

(4) The committee shall meet on the third Tuesday of February, May, August, and November of each year, and at other times at the discretion of the chief of the elevator section. ~~((The committee members shall serve without per diem or travel expenses.))~~

(5) The chief of the elevator section shall be the secretary for the advisory committee.

(6) An advisory committee member may appoint an alternate to attend meetings in case of conflict or illness.

NEW SECTION

WAC 296-96-00805 Appeal rights and hearings. (1) Chapter 70.87 RCW provides the authority for the duties and responsibilities of the department. Except as provided in chapter 70.87 RCW and this chapter, all appeals and hearings will be conducted according to chapter 34.05 RCW, the Administrative Procedure Act and chapter 10-08 WAC, Model Rules of Procedure.

(2) A person who contests a notice of violation or infraction issued by the department may request a hearing. The request for a hearing must be:

(a) In writing;

(b) Accompanied by a certified or cashier's check, payable to the department, for two hundred dollars; and

(c) Postmarked or received by the department within fifteen days after the person receives the department's violation notice.

(3) In all appeals of chapter 70.87 RCW and this chapter the appellant has the burden of proof by a preponderance of the evidence.

PART B - ~~((REGULATIONS))~~ LICENSES AND FEES FOR ALL ELEVATORS, DUMBWAITERS, ESCALATORS AND OTHER CONVEYANCES

NOTE: Total fees include the sum of the permit cost plus plan check fees.

NEW SECTION

WAC 296-96-00900 In general, who is required to be licensed under this chapter? (1) Any person, firm, or company wishing to engage in the business of conveyance work regulated under chapter 70.87 RCW and this chapter must be a licensed elevator contractor.

(2) Any person wishing to perform conveyance work regulated under chapter 70.87 RCW and this chapter must be a licensed elevator mechanic employed by a licensed elevator contractor.

NEW SECTION

WAC 296-96-00902 Are there exceptions from the elevator mechanic licensing requirements? Yes.

(1) Elevator mechanic licenses issued under chapter 70.87 RCW and this chapter are not required for:

(a) Individuals who install signal systems, fans, electric light fixtures, illuminated thresholds and feed wires to the terminals on the elevator main line control provided that the individual does not require access to the pit, hoistway, or top of the car for the installation of these items.

(b) An owner or regularly employed employee of the owner performing only maintenance work of conveyances in accordance with RCW 70.87.270.

(2) Elevator mechanic licenses may not be required for certain types of incidental work that is performed on conveyances when the appropriate lockout and tagout procedures have been performed by a licensed elevator mechanic in the appropriate category. The department must be notified and must approve the scope of work prior to it being performed.

NEW SECTION

WAC 296-96-00903 Are there exceptions from the elevator contractor licensing requirements? Yes. Elevator contractor licenses issued under chapter 70.87 RCW and this chapter are not required for:

(1) An owner or regularly employed employee of the owner performing only maintenance work of conveyances in accordance with RCW 70.87.270.

(2) A public agency that employs licensed elevator mechanics to perform maintenance.

NEW SECTION

WAC 296-96-00904 What must you do to become and remain a licensed elevator contractor? (1) Obtain and maintain a valid specialty or general contractor registration under chapter 18.27 RCW to engage in the business of conveyance work.

(2) Complete and submit a department-approved application. As part of the application:

(a) Specify the employee who is the licensed elevator contractor's primary point of contact.

(b) The person, firm or company who is applying for the elevator contractor's license must:

(i) Provide acceptable proof to the department that shows that the person, firm, or company has five years of work experience in performing conveyance work as verified by current and previous elevator contractor licenses to do business; or

(ii) Pass a written examination administered by the department on chapter 70.87 RCW and this chapter. (In the case of a firm or company, the exam will be administered to the designated primary point of contact.)

(iii) Failure to pass the examination will require the submittal of a new application.

(3) Pay the fees specified in WAC 296-96-00922.

(4) The department may deny application of a license under this section if the applicant owes outstanding final judgments to the department.

(5) If the primary point of contact identified in subsection (2)(a) of this section separates employment, his/her relationship or designation is terminated, or death of the designated individual occurs, the elevator contractor must, within ninety days, designate a new individual who has successfully completed the elevator contractor examination and inform the department of the change or the elevator contractor license will be automatically suspended.

NEW SECTION

WAC 296-96-00906 What must you do to become a licensed elevator mechanic? (1) Complete and submit a department-approved application.

(a) For conveyance work covered by all categories identified in WAC 296-96-00910 except material lifts (05), residential conveyances (06), residential inclined elevators (07) and temporary licenses (09), the applicant must comply with the applicable mechanic licensing requirements identified in (a)(i) through (iv) of this subsection.

(i)(A) The applicant must provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the applicable license category (see WAC 296-96-00910) of not less than three years' work experience in the elevator industry performing conveyance work as verified by current and previous employers licensed to do business in this state or as an employee of a public agency; and

(B) Pass an examination administered by the department on chapter 70.87 RCW and this chapter.

• **Applications received before October 1, 2004. The applicant must take the examination on a date specified by the department.** The applicant may perform the duties of a licensed elevator mechanic until the applicant has been provided notice by the department of the results of his/her examination.

• **Applications received on or after October 1, 2004.** The applicant may not perform the duties of a licensed elevator mechanic until the applicant has passed the examination and has been provided notice by the department.

(ii)(A) On or before ninety days after the effective date of these rules, the applicant must provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the applicable license category (see WAC 296-96-00910) of not less than three years' work experience in the elevator industry, performing conveyance work, as verified by current and previous employers licensed to do business in this state or as an employee of a public agency; and

(B) Have worked without direct and immediate supervision for an elevator contractor licensed to do business in this state or as an employee of a public agency. This employment may not be less than three years immediately before March 1, 2004.

(iii)(A) Have obtained a certificate of completion and successfully passed the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or its equivalent; or

(B) Have obtained a certificate of completion of an apprenticeship program for an elevator mechanic, having standards substantially equal to those of chapter 70.87 RCW and this chapter, and registered with the Washington state apprenticeship and training council under chapter 49.04 RCW.

(iv) The applicant must provide acceptable proof to the department that shows that the applicant is holding a valid license from a state having entered into a reciprocal agreement with the department and having standards substantially equal to those of chapter 70.87 RCW and this chapter.

(v) For conveyance work performed on material lifts as identified in WAC 296-96-00910(5):

(A)(I) The applicant and the licensed elevator contractor/employer must comply with the provisions of RCW 70.87.245; and

(II) The applicant must pass an examination administered by the department on chapter 70.87 RCW and this chapter;

• **Applications received before October 1, 2004. The applicant must take the examination on a date specified by the department.** The applicant may perform the duties of a licensed elevator mechanic until the applicant has been provided notice by the department of the results of his/her examination.

• **Applications received on or after October 1, 2004.** The applicant may not perform the duties of a licensed elevator mechanic until the applicant has passed the examination and has been provided notice by the department.

(B)(I) On or before ninety days after the effective date of these rules, the applicant must provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the material lift license category (see WAC 296-96-00910) performing conveyance work on material lifts, as verified by current and previous employers licensed to do business in this state; and

(II) Worked without direct and immediate supervision for an elevator contractor licensed to do business in this state. This employment may not be less than three years immediately before March 1, 2004.

(vi) For residential conveyance work covered by category (06) as identified in WAC 296-96-00910:

(A) The applicant must provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the applicable license category (see WAC 296-96-00910) of not less than two years' work experience in the elevator industry performing conveyance work as verified by current and previous employers licensed to do business in this state; and

(B) Pass an examination administered by the department on chapter 70.87 RCW and this chapter.

• **Applications received before October 1, 2004. The applicant must take the examination on a date specified by the department.** The applicant may perform the duties of a licensed elevator mechanic until the applicant has been provided notice by the department of the results of his/her examination.

• **Applications received on or after October 1, 2004.** The applicant may not perform the duties of a licensed eleva-

tor mechanic until the applicant has passed the examination and has been provided notice by the department.

(C)(I) On or before ninety days after the effective date of these rules, the applicant must provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the residential conveyance license category (see WAC 296-96-00910) performing conveyance work on residential inclined and vertical wheelchair lifts and stair chairlifts, as verified by current and previous employers licensed to do business in this state; and

(II) Worked without direct and immediate supervision for an elevator contractor licensed to do business in this state. This employment may not be less than two years immediately before March 1, 2004.

(vii) For residential inclined conveyance work covered by category (07) as identified in WAC 296-96-00910;

(A) The applicant must provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the applicable license category (see WAC 296-96-00910) of not less than one year's work experience in the elevator industry or not less than three years' documented experience and education credits in conveyance work as described in category (01) performing conveyance work as verified by current and previous employers licensed to do business in this state; and

(B) Pass an examination administered by the department on chapter 70.87 RCW and this chapter.

• **Applications received before October 1, 2004. The applicant must take the examination on a date specified by the department.** The applicant may perform the duties of a licensed elevator mechanic until the applicant has been provided notice by the department of the results of his/her examination.

• **Applications received on or after October 1, 2004.** The applicant may not perform the duties of a licensed elevator mechanic until the applicant has passed the examination and has been provided notice by the department.

(C)(I) On or before ninety days after the effective date of these rules, the applicant must provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the residential inclined conveyance license category (see WAC 296-96-00910) performing conveyance work on residential inclined conveyances, as verified by current and previous employers licensed to do business in this state; and

(II) Worked without direct and immediate supervision for an elevator contractor licensed to do business in this state. This employment may not be less than one year immediately before March 1, 2004.

(viii) For temporary mechanic licenses as identified in WAC 296-96-00910 category (09) the applicant must provide acceptable proof from a licensed elevator contractor that attests that the temporary mechanic is certified as qualified and competent to perform work under chapter 70.87 RCW and this chapter.

(2) Pay the fees specified in WAC 296-96-00922.

(3) The department may deny application of a license under this section if the applicant owes outstanding final judgments to the department.

NEW SECTION

WAC 296-96-00910 What are the elevator mechanic license categories? The following are the licensing categories for qualified elevator mechanics or temporary elevator mechanics:

(1) **Category (01):** A general elevator mechanic license encompasses mechanical and electrical operation, construction, installation, alteration, maintenance, inspection, relocation, and repair of all types of elevators and other conveyances in any location covered under chapter 70.87 RCW and this chapter.

(2) **Category (02):** This license is limited to the mechanical and electrical operation, construction, installation, alteration, maintenance, inspection, relocation, and repair of the following commercial and residential conveyances:

- (a) Wheelchair lifts;
- (b) Dumbwaiters; and
- (c) Incline chairlifts.

Note: Work experience on residential conveyances in (a)(i), (ii), and (iii) of this subsection may not be applied toward the category (02) license requirements.

(3) **Category (03):** This license is limited to the mechanical and electrical operation, construction, installation, alteration, maintenance, inspection, relocation, and repair of the following conveyances in industrial sites and grain terminals:

- (a) Electric and hand powered manlifts;
- (b) Special purpose elevators; and
- (c) Belt manlifts.

(4) **Category (04):** This license is limited to the mechanical and electrical operation, construction, installation, alteration, maintenance, inspection, relocation, and repair of the following conveyances:

- (a) Temporary personnel hoists;
- (b) Temporary material hoists; and
- (c) Special purpose elevators.

(5) **Category (05):** This license is limited to the mechanical and electrical operation, construction, installation, alteration, maintenance, inspection, relocation, and repair of material lifts.

(6) **Category (06):**

(a) This license is limited to the mechanical and electrical operation, construction, installation, alteration, maintenance, inspection, relocation, and repair of the following conveyances:

- (i) Residential wheelchair lifts;
- (ii) Residential dumbwaiters; and
- (iii) Residential incline chairlifts.

(b) Work experience on conveyances in (a)(i), (ii), and (iii) of this subsection may not be applied toward the category (02) license requirements.

Note: Maintenance work performed by the owner or at the direction of the owner is exempted from licensing requirements provided that the owner resides in the residence at which the conveyance is located and the conveyance is not accessible to the general public. Such exempt work does not count toward work experience for licensure.

(7) **Category (07):** This license is limited to the mechanical and electrical operation, construction, installa-

tion, alteration, maintenance, inspection, relocation, and repair of residential inclined elevators.

Note: Maintenance work performed by the owner or at the direction of the owner is exempted from licensing requirements provided that the owner resides in the residence at which the conveyance is located and the conveyance is not accessible to the general public. Such exempt work does not count toward work experience for licensure.

(8) **Category (08):** This license is limited to maintenance of all conveyances and is further limited to employees of public agencies to obtain and maintain the license. This work should not count towards other licenses.

(9) **Category (09):** This temporary license is limited to the mechanical and electrical operation, construction, installation, alteration, maintenance, inspection, relocation, and repair of conveyances. This license is limited to individuals that are certified as qualified and competent by licensed elevator contractors. The individual must be an employee of the licensed elevator contractor. The contractor shall furnish acceptable proof of competency as the department may require. Each license must recite that it is valid for a period of thirty days from the date of issuance and for such particular elevators or geographical areas as the department may designate, and otherwise entitles the licensee to the rights and privileges of an elevator mechanic license issued under chapter 70.87 RCW and this chapter.

NEW SECTION

WAC 296-96-00912 How long is the elevator contractor, elevator mechanic, and temporary mechanics licensing period and what is required for renewal? (1) Elevator contractors.

(a) The renewal period is two years from the date of issuance.

(b) As part of the renewal process the elevator contractor must:

(i) Complete and submit a department-approved application.

(ii) Designate an employee as a primary point of contact.

(iii) Pay the fees specified in WAC 296-96-00922.

(2) Elevator mechanics.

(a) The renewal period is two years from the date of your birthday. The initial license may be for a shorter period as follows. If your birth year is:

(i) In an even-numbered year, your certificate will expire on your birth date in the next even-numbered year.

(ii) In an odd-numbered year, your certificate will expire on your birth date in the next odd-numbered year.

(b) As part of the renewal process you must:

(i) Complete and submit a department-approved application.

(ii) Have attended an approved continuing education course and submitted a certificate of completion for the course. The course must consist of not less than eight hours of instruction that must have been attended and completed within one year immediately preceding any license renewal.

(iii) Pay the fees specified in WAC 296-96-00922.

(3) Temporary elevator mechanics.

(a) The renewal period is thirty days from the date of issuance.

(b) As part of the renewal process you must:

(i) Complete and submit a department-approved application.

(ii) Pay the fees specified in WAC 296-96-00922.

(4) The department may deny renewals of licenses under this section if the applicant owes outstanding final judgments to the department.

NEW SECTION

WAC 296-96-00914 Where can you obtain information regarding department-approved continuing education course providers? The department will produce a list of all approved training course providers and/or course contact persons that provide continuing education courses required under chapter 70.87 RCW and this chapter. This list will be available to all renewal applicants who request it.

The department may also provide continuing education training.

NEW SECTION

WAC 296-96-00916 Who approves and what is the process for becoming a continuing education course provider? (1) The department approves continuing education course providers.

(2) The department will review and approve courses.

(a) All providers seeking course approval must submit the required information to the department on a form provided by the department.

(b) The courses must be taught by instructors through continuing education providers; courses may include but are not limited to, association seminars and labor training programs.

(c) All instructors must be approved by the department and are exempt from the requirements of WAC 296-96-00912 (2)(b)(ii) with regard to his or her application for license renewal, provided that such applicant was qualified as an instructor at any time during the one year immediately preceding the scheduled date for such renewal and the instructor must teach two or more courses in the year preceding the renewal.

(d) All training courses must conform to and be based upon current standards and requirements governing the operation, construction, installation, alteration, inspection and repair of elevators and other conveyances.

(e) All course approval requests must include:

(i) A general description of the course, including its scope, the instructional materials to be used and the instructional methods to be followed;

(ii) A detailed course outline;

(iii) The name and qualifications of the course instructor(s);

(iv) The locations where the course will be taught;

(v) The days and hours the course will be offered; and

(vi) The specific fees associated with the course, as well as, the total cost of the course.

(f) Training courses will be approved for a two-year period.

(g) It is the responsibility of the provider to annually review and update its courses and to notify the department of any changes.

(h) The department may withdraw its approval of any training course if it determines the provider is no longer in compliance with the requirements of this chapter. If the department withdraws its approval of a training course, it will give the provider written notification of the withdrawal, specifying the reasons for its decision.

(i) Approved training providers must keep uniform records, for a period of ten years, of attendance of licensees and these records must be available for inspection by the department at its request. The provider should submit a list of names of the attendees to the department on or before thirty days after the date of the course being held. Approved training providers are responsible for the security of all attendance records and certificates of completion. Falsifying or knowingly allowing another to falsify attendance records or certificates of completion constitutes grounds for suspension or revocation of the approval required under this section.

NEW SECTION

WAC 296-96-00918 Who is exempt from the continuing education requirements? The following individuals are exempt from continuing education requirements:

(1) A licensee who is unable to complete the continuing education course required under this section before the expiration of his or her license due to a temporary disability may apply for a waiver from the department. Application shall be made on a form provided by the department and signed under the penalty of perjury and accompanied by a certified statement from a competent physician attesting to the temporary disability. Upon the termination of the temporary disability, the licensee must submit to the department a certified statement from the same physician, if practicable, attesting to the termination of the temporary disability at which time a waiver sticker, valid for ninety days, must be issued to the licensee and affixed to his or her license.

The licensee can work during the time that a certified statement from the physician is submitted to the department. The licensee has ninety days from this date to take the required courses in order to renew his/her license. If the licensee has not taken the required courses on or before the ninetieth day from the date the certified statement was sent in to the department, he/she will no longer be able to perform work.

(2) Approved instructors under WAC 296-96-00916 with regard to his or her application for license renewal, provided that such applicant was qualified as an instructor at any time during the one year immediately preceding the scheduled date for such renewal and that the instructor must teach two or more courses in the year preceding the renewal.

NEW SECTION

WAC 296-96-00920 When and where are elevator licensing examinations held? Examinations shall be held at locations and times when considered necessary by the department. The department will notify qualified applicants of the date, time, and location of the examination.

NEW SECTION

WAC 296-96-00922 What are the fees associated with licensing? The following are the department's elevator license fees:

Type of Fee	Period Covered by Fee	Dollar Amount of Fee
Elevator contractor/mechanic application fee (not required for renewal of valid license)	Per application	\$50.00
Elevator contractor/mechanic examination fee	Per application	\$150.00
Reciprocity application fee*	Per application	\$50.00
Elevator mechanic license	2 years	\$100.00
Elevator contractor license	2 years	\$100.00
Temporary elevator mechanic license	30 days	\$25.00
Elevator mechanic/contractor timely renewal fee**	2 years	\$100.00
Elevator mechanic/contractor late renewal fee***	2 years	\$200.00
Training provider application/renewal fee	2 years	\$100.00
Continuing education course fee by approved training provider****	1 year	Not applicable
Replacement of all licenses		\$15.00
Refund processing fee		\$30.00

* Reciprocity application is only allowed for applicants who are applying work experience toward licensing that was obtained in state(s) with which the department has a reciprocity agreement.

** Renewals will be considered "timely" when the renewal application is received on or prior to the expiration date of the license.

*** Late renewal is for renewal applications received no later than ninety days after the expiration of the licenses. If the application is not received within ninety days from license expiration, the licensee must reapply and pass the competency examination.

PROPOSED

**** This fee is paid directly to the continuing education training course provider approved by the department.

NEW SECTION

WAC 296-96-00924 What procedures does the department follow when issuing a civil penalty for licensing violations? (1) If the department determines that an individual has violated the licensing requirements of chapter 70.87 RCW or this chapter, the department may issue a civil penalty describing the reasons for the violation(s). The department may issue a civil penalty to:

(a) A person who is advertising, offering to do work or submitting a bid to perform conveyance work, or employing elevator mechanics and does not have a valid elevator contractor's license as required under chapter 70.87 RCW or this chapter; or

(b) An individual who is working under chapter 70.87 RCW or this chapter and does not have a valid elevator mechanic license.

(2) A person may appeal a civil penalty issued under chapter 70.87 RCW or this chapter.

(3) The following enforcement schedule will be used for licenses issued under chapter 70.87 RCW and this chapter:

(a) **July 1, 2004, through September 30, 2004.** Any individual, firm, or company that is found in violation of the licensing requirements will be notified of the violation and be allowed ten calendar days to make application with the department to avoid being issued a civil penalty. If the individual, firm, or company does not make application within ten calendar days they will be issued a civil penalty.

(b) **On or after October 1, 2004.** Any individual, firm, or company that is found in violation of the licensing requirements may be issued a civil penalty.

NEW SECTION

WAC 296-96-00926 What are the civil (monetary) penalties for violating the licensing requirements of chapter 70.87 RCW and this chapter? (1) A person cited for a violation under chapter 70.87 RCW and this chapter may be assessed a civil (monetary) penalty based upon the following schedule:

First Violation	\$500.00
Each additional Violation	\$500.00

(2) Each day a person, firm or company is in violation may be considered a separate violation.

(3) Each job site at which a person is in violation may be considered a separate violation.

(4) The department must serve notice by certified mail to a person for a violation of chapter 70.87 RCW or this chapter.

NEW SECTION

WAC 296-96-00930 What if I owe outstanding final judgments to the department? The department may deny renewal or application of, or suspend your license if you have an outstanding final judgment.

PART B - (~~REGULATIONS~~) LICENSES AND FEES FOR ALL ELEVATORS, DUMBWAITERS, ESCALATORS AND OTHER CONVEYANCES

NOTE: Total fees include the sum of the permit cost plus plan check fees.

PART B-1 - REGULATIONS AND FEES FOR ALL ELEVATORS, DUMBWAITERS, ESCALATORS AND OTHER CONVEYANCES

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01000 What is the permit process for conveyances? (1) Prior to the start of the construction, alteration, or relocation(;) of all conveyances (this includes both private residence and commercial conveyances) (~~you~~) plans must be submitted to and approved by the department. See WAC 296-96-01030.

(2) Prior to construction, alteration, or relocation of any conveyance, you must get an installation permit from the department. See WAC 296-96-01010 (~~and 296-96-01015~~) through 296-96-01025.

(3) Your conveyance must be inspected upon completion of the construction, alteration, or relocation. See WAC 296-96-01035.

(4) You must obtain and renew an annual operating permit for each conveyance that you own, except for residential conveyances. See WAC 296-96-01065.

(5) After initial purchase and inspection private residence conveyance(s) do not require an annual permit. However, annual inspections may be conducted upon request. See WAC 296-96-01065 for the associated fees.

AMENDATORY SECTION (Amending WSR 03-12-045, filed 5/30/03, effective 6/30/03)

WAC 296-96-01005 When do I need a permit? (1) You must obtain a permit from the department before you begin constructing, altering or relocating any conveyance (~~as described in the definitions for this chapter~~). To obtain your permit, you need to complete the permit application and pay the appropriate fee. Once your application is approved, a permit will be issued and you may begin work on your project.

(2) Construction and alteration permits are valid for one year from the date of issue(;). However, permits may be renewed if you:

(a) Apply for a renewal permit before your current permit expires;

(b) The department approves your request for a renewal permit; and

(c) You pay a fifty-dollar renewal fee to the department for each permit you renew; (~~and~~

~~d~~) (3) If your permit has expired you must reapply for a new permit.

~~(3)~~ (4) You are not required to obtain permits and pay fees for repairs and replacement associated with normal functions and necessary maintenance done with parts of equiva-

PROPOSED

lent materials, strength and design; or for any conveyance exempted by RCW 70.87.200.

NEW SECTION

WAC 296-96-01006 What type of conveyance work requires permitting and inspection? (1) All installations and relocation of conveyances requires permitting and inspection. All conveyance work must be performed by an elevator mechanic licensed to perform work in the appropriate category. (See WAC 296-96-00910).

(2) All alterations and other conveyance work requires permitting and inspection and includes but is not limited to:

(a) Items identified in ASME A17.1.

(b) Any conveyance work that requires the conveyance to be tested prior to being returned to service, including:

(i) The replacement or repair of any parts, the installation of which would require recalibration or testing (e.g., brakes, hydraulic valves and piping, safeties, door reopening devices, governors, communication systems, cab interiors, car/hall buttons, etc.); or

(ii) Work performed on components or equipment affecting or necessary for fire and life safety (e.g., cab interiors, systems associated with fire recall, etc.).

Contact the department if you have any questions or need assistance determining if a permit and inspection are required.

NEW SECTION

WAC 296-96-01007 What is the inspection and approval process for alterations? (1) The following process must be followed when performing alterations:

(a) Obtain a permit from the department prior to performing the alteration. The permit application must include detailed information on the scope of the alteration.

(b) Take the conveyance out-of-service and perform the alteration.

(c)(i) If the conveyance requires an inspection prior to being returned to service (as identified on the alteration permit), you must contact the department to perform an inspection and:

(A) If the conveyance passes the inspection, the conveyance may be placed back into service.

(B) If the conveyance fails the inspection, the conveyance must remain out-of-service until the corrections are made and approved by the department.

(ii) If the conveyance is not required to be inspected prior to being returned to service, you must contact the department to perform an inspection and:

(A) If the conveyance passes the inspection, the conveyance may remain in service.

(B) If the conveyance fails the inspection, the conveyance will be placed out-of-service until the corrections are made and approved by the department.

(2) For certain types of alterations additional work may be required as part of the alteration and prior to approval of the conveyance. These alterations include, but are not limited to:

(a) Replacements of controllers:

(i) Fire fighter service requirements must be met in accordance with the most recent code adopted by the department.

(ii) Seismic requirements ("ring and string" or "shaker box") must be met in accordance with the most recent code adopted by the department. In addition, the car must be capable of moving away from the floor.

(iii) Lighting in the machine room and pit must comply with the most recent code adopted by the department.

(iv) Electrical outlets in the machine room and pit must be of the ground fault interrupter type.

(b) Replacement of controllers and a car operating panel and/or hall fixtures:

(i) The requirements of (a) of this subsection must be met.

(ii) All panels and fixtures must meet the applicable (e.g., height, sound, Braille, etc.) requirements in accordance with the Americans with Disabilities Act.

(c) Replacement of door operators and/or door equipment: Any changes to these items require the installation of door restrictors:

(d) Hydraulic piping: Replacement, repair, or relocation of hydraulic piping will require the installation of a rupture valve.

Note: The department may grant exceptions to the requirements identified in this section.

NEW SECTION

WAC 296-96-01009 Who can purchase a permit? The department may only issue a permit for conveyance work to a licensed elevator contractor.

Permits are only required for alterations and installations. Beginning with the effective date of these rules, the homeowner will no longer be allowed to purchase a permit.

AMENDATORY SECTION (Amending WSR 02-12-022, filed 5/28/02, effective 6/28/02)

WAC 296-96-01010 What are the installation permit fees for conveyances, material lifts, and hoists and how are they calculated? Installation permit fees are based on the total cost of the conveyance and the labor to install the conveyance. The following permit fees apply to the construction or relocation of all conveyances and material lifts:

TOTAL COST OF CONVEYANCE	FEE
\$0 to and including \$1,000	\$50.00
\$1,001 to and including \$5,000	75.00
\$5,001 to and including \$7,000	125.00
\$7,001 to and including \$10,000	150.00
\$10,001 to and including \$15,000	200.00
OVER \$15,000	280.00
	<u>plus</u>
Each additional \$1,000 or fraction thereof	7.00

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AMENDATORY SECTION (Amending WSR 02-12-022, filed 5/28/02, effective 6/28/02)

WAC 296-96-01027 Are initial installation permit fees refundable? Your initial installation permit fees are refundable if the installation work has not been performed minus a processing fee unless your permits have expired. No refunds will be issued for expired permits. All requests for refunds must be submitted in writing to the elevator section and must identify the specific permits and the reasons for which the refunds are requested.

The processing fee for ((a)) each refund is \$30.00

AMENDATORY SECTION (Amending WSR 02-12-022, filed 5/28/02, effective 6/28/02)

WAC 296-96-01035 Are there inspection fees? Yes. The initial inspection of a conveyance or for the initial inspection of construction, alteration or relocation of a conveyance is included with your permit fee. Once the department has approved the initial installation of the conveyance you will be issued a temporary operating permit that is valid for 30 days. Prior to the expiration of the 30-day permit the application for an annual operating permit and the appropriate fees must be paid to the department. Once the department has received the appropriate fees and application you will be issued your first annual operating permit. You are required to renew your annual operating permit yearly.

The following ((~~exceptions do~~)) inspections require ((a)) an additional inspection fee:

(1) **Reinspection.** If a conveyance does not pass an initial inspection and an additional inspection is required, the fee for each reinspection of a conveyance is \$100.00 per conveyance plus \$50.00 per hour for each hour in addition to the first hour.

The department may waive reinspection fees.

(2) **Inspecting increases in the height (jumping) of personnel and material hoists.**

The fee for inspecting an increase in the height (jumping) of each personnel hoist or material hoist is \$100.00 plus \$50.00 per hour for each hour in addition to 2 hours. This fee is for inspections occurring during regular working hours.

(3) **Variance inspections.**

(a) The fee for an on-site variance inspection is \$150.00 per conveyance plus \$50.00 per hour for each hour in addition to 2 hours. This fee is for inspections occurring during regular working hours.

(b) The fee for a variance ((~~approval~~)) that does not require an on-site inspection is \$50.00 per conveyance. The individual requesting the variance ((~~approval~~)) must provide the department with pictures, documentation, or other information necessary for the department to review the variance. The department may conduct an on-site variance inspection to verify the information provided or if it determines that an inspection is necessary. If an on-site variance inspection is performed, the fees in (a) of this subsection will apply.

(4) **"Red tag" ((~~inspection~~)) status fee.** The annual fee for ((~~performing an annual inspection to~~)) a conveyance((~~s that are~~)) in "Red tag" status is \$25.00.

Note: You must provide the department with written approval from the building official, indicating that the conveyance is not required for building occupancy, when you apply to have the conveyance placed in voluntary red tag status.

(5) **Decommission inspection.** The fee for performing a decommission inspection is \$50.00. Once the decommission inspection has been performed and approved, the conveyance will no longer require annual inspections until such time that the conveyance is brought back into service. Prior to operating the conveyance, a new inspection and annual operating permit must be obtained.

(6) **Voluntary inspections by request.** The owner or potential purchaser of a building within the department's jurisdiction may request a voluntary inspection of a conveyance. The fee for this inspection will be \$100.00 per conveyance and \$50.00 per hour for each hour in addition to 2 hours plus the standard per diem and mileage allowance granted to department inspectors. The owner/potential purchaser requesting the voluntary inspection will not be subject to any penalties based on the inspector's findings.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01070 ((~~Are there penalties?~~)) What are the civil (monetary) penalties for violating the conveyance permit and operation requirements of chapter 70.87 RCW and this chapter? (1) Any licensee, installer, owner or operator of a conveyance who violates a provision of chapter 70.87 RCW or ((~~these rules~~)) this chapter shall be subject to the following civil penalties:

- (a) Operation of a conveyance without a permit:
 - First violation \$150.00
 - Second violation 300.00
 - Each additional violation 500.00
- (b) Installation of a conveyance without a permit:
 - First violation \$150.00
 - Second violation 300.00
 - Each additional violation 500.00
- (c) Relocation of a conveyance without a permit:
 - First violation \$150.00
 - Second violation 300.00
 - Each additional violation 500.00
- (d) Alteration of a conveyance without a permit:
 - First violation \$150.00
 - Second violation 300.00
 - Each additional violation 500.00
- (e) (i) Operation of a conveyance for which the department has issued a red tag or has revoked or suspended an operating permit((=)) or operation of a decommissioned elevator \$500.00

(ii) Removal of a red tag from a conveyance \$500.00

- (f) Failure to comply with a correction notice:
 - Within 90 days \$100.00
 - Between 91 and 180 days 250.00
 - Between 181 and 270 days 400.00
 - Between 271 and 360 days 500.00
 - Each 30 days after 360 days 500.00

Note: Penalties cumulate

- (g) Failure to submit official written notification that all corrections have been completed:
 - Within 90 days \$100.00
 - Between 91 and 180 days 250.00
 - Between 181 and 270 days 400.00
 - Between 271 and 360 days 500.00
 - Each 30 days after 360 days 500.00

Note: Penalties cumulate

(h) Failure to notify the department of each accident to a person requiring the services of a physician or resulting in a disability exceeding one day may result in a \$500 penalty per day. The conveyance must be removed from service until the department authorizes the operation of the conveyance. This may require an inspection and the applicable fees will be applied. Failure to remove the conveyance from service may result in an additional \$500 penalty per day.

(2) A violation as described in subsection (1)(a), (b), (c), and (d) of this section will be a "second" or "additional" violation only if it occurs within one year of the first violation.

(3) The department must ~~((use))~~ serve notice by certified mail to ((notify the)) an installer, licensee, owner, or operator ((ef)) for a violation of chapter 70.87 RCW, or ((these rules)) this chapter.

NEW SECTION

WAC 296-96-01075 How does an owner or licensee receive a variance from the installation and alteration requirements of chapter 70.87 RCW and this chapter? Variances from the installation and alteration requirements of this chapter may be requested. The variance request shall be in writing on a form approved by the department accompanied with the required fee. The individual requesting the variance must provide the department with pictures, documentation, or other information necessary for the department to review the variance. The department may conduct an on-site variance inspection to verify the information provided or if it determines that an inspection is necessary. If an on-site

variance inspection is performed, the fees in WAC 296-96-01035 will also apply.

NEW SECTION

WAC 296-96-02230 When must the department be notified for a new or altered inspection? (1) The person or firm installing, relocating, or altering a conveyance shall notify the department in writing, at least seven days before requesting any inspection of the work, and shall subject the new, moved, or altered portions of the conveyance to the acceptance tests.

(2) The department may grant exceptions to this notice requirement.

NEW SECTION

WAC 296-96-02232 What are the conditions for obtaining a temporary operating permit? (1) Hydraulic elevators with less than four stops may not be issued a temporary operating permit unless preapproved by the department. In order to obtain a permit:

(a) The elevator must pass load tests and safety circuit inspections.

(b) Temporary or permanent lights in the cab, machine room and at the landings must be provided.

(c) Machine rooms must be fully enclosed and have a lockable door.

(d) Hoistways must be fully enclosed.

(e) A single means of disconnecting the elevator must be provided and related equipment must be identified by the use of numbers or letters on the disconnect, the controller, the drive machine, the cross head, and the car operating panel.

(f) Elevator cab interiors must be completed. Temporary cabs may be used and walls must be covered with fire retardant materials.

(g) The key operation of Phase I must recall the elevator.

(h) A means of emergency communication with the elevator must be provided. If there is no permanent method of emergency communication an operator with communication equipment must be provided.

(2) The person operating the permitted conveyance under this section must be properly trained in operation and safety and:

(a) The operator must be on the elevator whenever it is in use. The operator may be one of your employees.

(b) He or she must be designated to be the sole operator of the elevator.

(c) The operator must be trained in the proper operation of the elevator, the proper procedure to handle an emergency and must know who to contact in the event of an emergency involving the operation of the elevator.

(d) The operator must carry a means of two-way communication on his/her person at all times. (This may be in the form of a cell-phone, walkie-talkie, etc., providing proper reception is obtainable at all times.)

NEW SECTION

WAC 296-96-02235 What are the requirements for temporary operating permits? (1) A thirty-day temporary

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operating permit is for transportation of construction personnel and materials only, not for the transportation by the general public.

(2) Temporary operating permits are valid for thirty days.

(3) You must contact the department for a reinspection to renew the permit.

(4) All elevators with expired temporary operating permits that have not passed a final inspection may not be operated.

(5) Renewal of a temporary operating permit is at the discretion of the department.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02240 Where is a shut-off valve required for hydraulic elevators? Two shut-off valves may be required.

(1) ASME requires that a shut-off valve be installed in the machine room.

(2) When the pit is lower than the machine a shut-off valve must be installed in the pit. A separate shut-off valve is not required in the pit for hydraulic elevators equipped with a safety/rupture valve that rotates no more than 180 degrees to stop the flow of hydraulic fluid and has a safety shut-off handle capable of being grasped.

EXCEPTION: Limited use/limited application (LULA), special purpose and residential elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02275 What are the requirements for Fireman's Service Phase I and Phase II recall? Devices for deactivating recall must be in the line of sight of the elevator; be secure from tampering; and must be accessible to fire, inspection, and elevator service personnel only. Owner-designated patient express and emergency hospital service elevators may have a manual control in the car for use by authorized patient care personnel. When activated, it shall preclude Phase I recall.

The illuminated visual signal in the car that indicates when Phase I Emergency Recall Operation is in effect must stay illuminated until the car is taken off Phase I operation.

Once the car returns to the designated landing on Phase I recall and the doors have reached their full open position, the buzzer must be silenced within ten seconds.

Groups of elevators containing four or more cars shall be provided with two, three-position key switches per group. For purposes of this section, a group shall be defined as all elevators serving the same portion of a building. Hall call buttons common to a group will remain in service unless both Phase I recall switches of a four car or larger group are placed in the recall mode or a fire alarm recall signal is initiated.

EXCEPTION: Limited use/limited application (LULA), special purpose, and residential elevators are exempt from ~~((the Phase I recall requirement))~~ this section.

NEW SECTION

WAC 296-96-02276 What are the requirements for sprinklers in hoistways and machine rooms? (1) The machine room sprinkler piping must terminate in the machine room. The sprinkler piping must not run through the machine room to other spaces.

(2) The hoistway must not be used to supply sprinkler runs to more than one floor.

(3) The pit will be considered as a floor level.

(4) Sprinkler heads at the top of the shaft must terminate in the shaft. The sprinkler must not run through the hoistway to other spaces. "Other spaces" includes the machine room.

(5) All risers and returns must be located outside of the hoistway and machine room.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02277 How does the department enforce ASME requirements for sprinklers, smoke detectors, and heat detectors in hoistways and machine rooms? ASME A17.1 ~~((1-102.2(e)3))~~ 2.8.2.3.2 states: "Means shall be provided to automatically disconnect the mainline power supply to the affected elevator upon or prior to the application of water~~((-))~~ from sprinklers located in the machine room or in the hoistway more than 600 mm (24 inches) above the pit floor. This means shall be independent of the elevator control and shall not be self-resetting. The activation of sprinklers outside the hoistway or machine room shall not disconnect the main line power supply." This section applies to both new and altered elevators when sprinklers have been installed in the elevator machine room and/or hoistway.

(1) The department enforces this rule as follows:

(a) When sprinkler systems are installed in an elevator hoistway, fixed temperature heat detectors, set only at 135°F, must be located at the top of the hoistway. If sprinklers are installed in the machine room, the same rule applies to heat detectors in the machine room. If ~~((you install))~~ heat detectors are installed, ((you must also install a)) smoke detectors must also be installed for elevator recall. The purpose of ~~((these))~~ the heat detector(s) is to automatically disconnect mainline power to the elevator before water flows from any sprinkler associated with the elevator system.

(b) ~~((Smoke detectors at the top of the hoistway shall not recall the elevator to the bottom landing.))~~ Activation of a smoke detector or other initiating device at the top of the hoistway shall cause all elevators having any equipment in that hoistway, and any associated elevators of a group automatic operation, to be returned nonstop to the designated level.

(c) Heat detectors must be:

(i) Located ~~((near))~~ within 18 inches of each sprinkler head, as required by the local building official, or as required by NFPA 13((;)).

(ii) ~~((Considered only as an auxiliary function of elevator equipment;~~

~~((iii) Identified as "elevator controls only — do not test"; and~~

~~(iv))~~ Ceiling mounted. However, pit detectors, if installed, may only be used as a signaling device and wall-mounted if they are so designed.

~~((v))~~ (iii) Heat detectors are not required in pits provided the automatic sprinkler heads are installed in such a way that the water spray pattern does not spray higher than three feet above the pit floor with a spray pattern directed level and down. The shunt trip disconnect must be installed in the machine room or machinery space and it must be easily identifiable.

(d) The shunt trip disconnect must be installed in the machine room or machinery space and it must be easily identifiable.

(e) Power for the automatic disconnect control circuit must be derived from ~~((the load side of the elevator power main disconnecting means or from))~~ a 120 volt separate branch circuit. Circuit location must be identified on or next to the elevator disconnects. ~~((If a 120-volt separate branch circuit is used))~~ An illuminated visual device must be installed in the machine room adjacent to each elevator's disconnect. The purpose of this visual device is to indicate that power is available to the shunt trip activation mechanism.

~~((e))~~ (f) All electrical equipment and wiring associated with shunt trip devices must conform to the applicable ANSI/NFPA 70.

~~((f))~~ (g) The department does not require sprinkler shut-off valves. However, where they are installed, they must be located in an accessible place outside the hoistway, machine room or machinery space with their handles placed at no more than 6 feet above the floor.

~~((g))~~ (h) Emergency return units must be disabled when the shunt trip is activated.

(2) ~~((The department must approve))~~ Alternative methods used to achieve ASME A17. ~~((1-102.2(e)(3)))~~ 2.8.2.3.2 must be approved by the department prior to installation.

EXCEPTION: Limited use/limited application (LULA), special purpose, and residential elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02278 Are keys required to be on-site?

Yes. The keys to the machine room and the keys that are necessary to operate the elevator must be ~~((readily available to authorized personnel))~~.

NOTE: ~~The department recommends the use of a locked key retainer box in the elevator lobby at the designated level above the hall buttons or by machine room doors at no more than 6 feet above the floor. This key retainer box should be:~~

- ~~Readily accessible to authorized personnel;~~
- ~~Clearly labeled "Elevator"; and~~
- ~~Equipped with a 1-inch cylinder cam lock key #39504.~~

~~The department further recommends that:))~~ located in a locked key retainer box in the elevator lobby at the designated level above the hall buttons; or located by machine room doors at no more than six feet above the floor, provided access to the key box doesn't require passage through locked doors. The key retainer box must be:

- Readily accessible to authorized personnel;
- Clearly labeled "elevator";

- Securely mounted; and
- Equipped with a 1-inch cylinder cam lock key #39504 and securely mounted.

Further:

- Keys for access to elevator machine rooms and for operating elevator equipment ~~((are))~~ must be tagged and kept in the key box.
- The key box must contain~~((s))~~ all keys necessary for inspection of the elevator.
- Mechanical hoistway access devices ~~((are))~~ must be located in the key box or machine room.

EXCEPTION: Residential elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02280 Can pipes and ducts be installed above a machine room? Electric conduit, pipes, and ducts may be installed in the upper space ("upper space" is defined as the space above the fire-rated ceiling) of the elevator machine room as long as they are installed above the required seven-foot clearance and they do not interfere with the elevator equipment which also must be installed to allow a seven-foot head clearance.

(1) Straight through runs of electrical conduit without junction boxes may be installed in this space.

(2) Pipes and ducts conveying gases, vapor, or liquids may be installed in the space above the machine room provided they are encased in a noncombustible secondary pipe without joints, or a moisture barrier without penetration.

EXCEPTION: Residential elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02281 What is required for emergency escape hatches? Emergency escape hatches must be hinged and secured from the car top so that the cover opens from the top of the car only. The hatch must be able to be opened without the use of tools.

NEW SECTION

WAC 296-96-02282 What is required for fire fighters' service? It is the owner's responsibility to test fire fighters' service operation of Phase I and Phase II key switches quarterly. A log with dates and the initials of the person performing the test must be posted in the machine room.

EXCEPTION: Limited use/limited application (LULA), special purpose, and residential elevators are exempt from this section.

NEW SECTION

WAC 296-96-02283 What is the minimum working space required in machine rooms? (1) In machine rooms with equipment requiring maintenance and inspection, an eighteen-inch working space must be established.

(2) There must be a minimum of eighteen inches working space (other than the required controller panel clearances) on either side of the hydraulic tank.

(3) The requirements in subsections (1) and (2) of this section do not supersede NFPA 70.

(4) The side with the hydraulic outlet pipe is not considered usable working space.

NEW SECTION

WAC 296-96-02285 Are there exceptions for correction facility elevators? Facilities that require special consideration to ensure the safety of security personnel and to prevent escapes must meet the relevant requirements of ASME A17.1, except that accessible "in-car" stop switches and signaling devices are not required when the elevator operation is:

- (1) Continually monitored by audio-visual equipment; and
 - (2) Remotely controlled from a single location.
- (3) Controls necessary for an elevator's operation may be located inside a car when the operating panel has a locked cover.

NEW SECTION

WAC 296-96-02290 What are the requirements for underground hydraulic elevator pipes, fittings, and cylinders? All newly installed underground pressure cylinders and pipes containing hydraulic elevator fluids shall be encased in an outer plastic containment.

(1) The plastic casing shall be constructed of polyethylene or polyvinyl chloride (PVC). The plastic pipe wall thickness must not be less than 0.125 inches (3.175 mm). The casing shall be capped at the bottom and all joints must be solvent or heat welded.

(2) The casing shall be sealed and dry around hydraulic pipe and cylinder to contain any leakage into the ground and to prevent electrolysis to the hydraulic pipe and the cylinder. Dry sand may be used to stabilize the hydraulic cylinder.

(3) A one-half inch pipe nipple with a one-way check valve shall be located between the casing and cylinder for monitoring purposes.

(4) Alternate methods must receive approval from the department prior to installation.

(5) This rule shall apply to all conveyances with installation permits issued by the department on or after the effective date of these rules.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02310 What is the minimum acceptable initial transfer time for an elevator door? "Initial transfer time" refers to the period of time between an elevator car receiving a call for service and when the car door begins to close. The minimum acceptable initial transfer time for an elevator is:

(1) For HALL CALLS, minimum acceptable initial transfer time is based upon the distance between a point in the center of the corridor or lobby (maximum 5 feet) that is directly opposite the farthest hall button controlling the car and the centerline of the hoist-way entrance. Minimum acceptable times for specific distances are:

- (a) 0-5 feet: 4 seconds;
- (b) 10 feet: 7 seconds;
- (c) 15 feet: 10 seconds; and
- (d) 20 feet: 13 seconds.

(2) For CAR CALLS, the minimum acceptable initial transfer time for doors to remain fully open is 3 seconds.

EXCEPTION: Limited use/limited application (LULA), special purpose, and residential elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02315 What are the ((structural)) minimum cab size and other applicable requirements for car interiors? (1) All car interiors must be constructed to allow wheelchair users to enter the car, to maneuver within reach of the control panel and to exit the car.

(2) Minimum door width must be 36 inches.

(3) Minimum cab depth:

(a) From the rear wall to the return panel must be 51 inches; and

(b) From the rear wall to the inside face of the cab door must be 54 inches.

(4) For cabs with side-opening doors, the minimum cab width is 68 inches;

(5) For cabs with center-opening doors, the minimum cab width is 80 inches; ((and))

(6) Maximum clearance between a car platform sill and the edge of a hoistway landing sill must be 1 1/4 inch; and

(7) If the building official having jurisdiction determines the elevator must comply with accessibility requirements, the elevator must comply with subsections (1) through (6) of this section.

EXCEPTION 1: Elevators located in existing school buildings or other buildings specifically identified by local authorities may have a minimum clear distance between walls or between a wall and the door, including the return panel, of 54 inches, and a minimum distance from the wall to the return panel of 51 inches.

EXCEPTION 2: LULA, special purpose, and residential elevators must meet the specifications in ASME A17.1 pertaining to car size.

NEW SECTION

WAC 296-96-02317 When does the department require a local building official to sign off for the installation of LULAs, stair lifts, inclined wheelchair lifts and vertical wheelchair lifts? In existing buildings where LULAs, stair lifts, inclined wheelchair lifts and vertical wheelchair lifts are to be installed, the local building official must signify that he/she is allowing this type of conveyance on a form provided by the department.

NEW SECTION

WAC 296-96-02318 What are the general requirements for LULA elevators? (1) LULAs may be permitted in churches, private clubs, and buildings listed on the historical register that are not required to comply with accessibility requirements.

(2) Installation of LULAs in existing buildings that are not required to comply with accessibility requirements, will be considered on a case-by-case basis by the department.

(3) For LULAs installed according to subsections (1) and (2) of this section a form provided by the department must be signed by the local building official.

(4) LULAs must be equipped with an emergency communication device meeting the requirements of WAC 296-96-02330.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02320 What is required for car controls? (1) The following requirements apply to the location of car controls:

(a) Upon entering an elevator, at least one set of controls must be readily accessible from a wheelchair;

(b) The centerline of the alarm button and emergency stop switch must be 35 inches;

(c) Where a side approach is used, the highest floor buttons must be no higher than 54 inches from the floor;

(d) Where a forward approach is used, the highest floor buttons must be no higher than 48 inches from the floor;

(e) Emergency controls must be grouped together at the bottom of the control panel and centered at 35 inches; and

(f) Controls unessential to the elevator's operation may be located in a convenient place.

(2) The following requirements apply to the construction of control panels:

(a) Raised or flush floor registration buttons, exclusive of the panel border, must be at least 3/4 inch and arranged from left to right in ascending order.

(b) When pushed, the depth of flush buttons must not exceed 3/8 inch.

(c) Indicator lights must be installed to show each call registered and they must extinguish when a call is answered.

(d) All markings must be located to the left of and adjacent to the car controls on a contrasting color background.

(e) All letters or numbers must be at least 5/8 inches high and must be raised .030 of an inch.

(f) Braille must be used to identify all control buttons. Permanently attached plates are acceptable.

(g) Standard ASME A17.1 symbols must be used to identify essential controls.

EXCEPTION: Special purpose and residential elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02325 What are the location and operation requirements for car position indicators in the car?

(1) A visual car position indicator must be located either above the car control panel or above the car door.

(2) As ~~((a))~~ the car passes or stops at a floor, the corresponding floor numbers must light up and a signal must sound.

(3) All numerals must be at least 1/2 inch high.

(4) All audible signals must be at least 20 decibels with a frequency no higher than 1500 Hz.

(5) The automatic announcement of a floor number may be substituted for an audible signal.

EXCEPTION: Limited use/limited application (LULA), special purpose, and residential elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02330 What is required for installation and operation of emergency communication systems?

Every elevator must contain an emergency two-way communication system ~~((connecting the elevator with a point outside the hoistway))~~. The installation and operation of this emergency communication system must comply with the ASME A17.1 code in effect when the department issued the elevator's installation permit. In addition to the appropriate ASME A17.1 code, the following department requirements apply:

(1) The communication device located in the elevator car must comply with the following:

~~((a))~~ (a) The maximum height of any operable part of the communication system is 48 inches above the floor.

~~((2))~~ (b) Raised symbols and letters must identify the communication system. These symbols and letters must be located adjacent to the communication device. The characters used must be:

~~((a))~~ (i) At least 5/8 inches but no more than 2 inches high;

~~((b))~~ (ii) Raised 1/32 inch;

~~((c))~~ (iii) Upper case;

~~((d))~~ (iv) Sans serif or simple serif type; and

~~((e))~~ (v) Accompanied by Grade 2 Braille.

~~((3))~~ (c) If the system is located in a closed compartment, opening the door to the compartment must:

~~((a))~~ (i) Require the use of only one hand without tight grasping, pinching, or twisting of the wrist; and

~~((b))~~ (ii) Require a maximum force of 5 pounds.

~~((4))~~ (d) The emergency communication system must not be based solely upon voice communication since voice-only systems are inaccessible to people with speech or hearing impairments. An indicator light must be visible when the telephone is activated. This nonverbal means must enable the message recipient to determine the elevator's location address and, when more than one elevator is installed, the elevator's number.

~~((5))~~ (e) The emergency communication system must use a line that is capable of communicating with and signaling to a person or service that can respond appropriately to the emergency at all times.

(2) A communication device must be installed in the lobby adjacent to the Phase I key switch. This device must be a two-way communication device used to communicate with individuals in the elevator.

(a) The height of any communication device(s) located in the lobby must be located between 48-60 inches above the floor.

(b) Additional communication device(s) may also be located in other parts of the building in addition to the one located in the lobby.

(c) Exception: Elevators that have less than sixty feet of travel do not require an intercom.

(3) Subsections (1) and (2) of this section do not apply to special purpose elevators. However, residential, and special purpose elevators must have a means of communication located inside the elevator cab. This communication device must be available at all times.

EXCEPTION: Residential inclined elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02340 What requirements apply to the size and location of car handrails? (1) A handrail must be installed on all car walls not used for normal exits. The handrails must be:

~~((1))~~ (a) Attached to the wall at a height of between 32 and 35 inches from the floor.

~~((2))~~ (b) Attached to the wall with a 1 1/2 inch space between the wall and the rail;

~~((3))~~ (c) Constructed with the hand grip portion ~~((at least))~~ not less than 1 1/4 inches but not more than 2 inches wide;

~~((4))~~ (d) Constructed with a cross-section shape that is substantially oval or round;

~~((5))~~ (e) Constructed with smooth surfaces and no sharp corners.

Approaching handrail ends on a blank wall in the interior corners of a car do not have to return to the wall. However, if the handrail is located on the closing door wall of a single-slide or two-speed entrance elevator and it projects an abrupt end towards people entering the car, the handrail end must return to the wall.

(2) Residential elevators must have at least one handrail. The handrail must be installed on a car wall not used for normal exits.

EXCEPTION: Special purpose elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02350 What requirements apply to floor designations on elevator door jambs? Floor designations must be:

(1) Located on both sides of the doorjamb at each hoistway entrance;

(2) Visible from within the car and from the lobby;

(3) Positioned on a centerline height of 60 inches above the floor;

(4) Two inches high and raised 3/10 inch;

(5) Placed on a contrasting color background; and

(6) Accompanied by Grade 2 Braille. Permanently attached plates are acceptable.

EXCEPTION: Special purpose and residential elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02360 What are the requirements for installation and operation of hall lanterns? (1) A visual and audible signal must be installed at each hoistway

entrance. These signals must indicate, to the prospective passenger, which car is responding to the call and the direction the car is traveling.

(2) The visual signal for each direction must be at least 2 1/2 inches in size and must be visible from the vicinity of the hall call button.

(3) The audible signal must sound once for "up" and twice for "down."

(4) The centerline of the lantern fixture must be located at least 6 feet above the floor.

(5) ~~((Hall))~~ Car lanterns may be located either on the jamb or in the car.

EXCEPTION: Limited use/limited application (LULA), special purpose, and residential elevators are exempt from this section.

NEW SECTION

WAC 296-96-02361 What are the requirements for electrical main line disconnects? (1) The main line disconnect switch(es) or circuit breaker must be located inside the machine room door on the lock jamb side of the machine room door and not more than twenty-four inches from the jamb to the operating handle; and it must be at a height of not more than sixty-six inches above the finish floor.

(2) For multitar machine rooms the switches shall be grouped together as close as possible to that location.

(3) For machine rooms with double swing doors, the doors must swing out and the switch(s) must be on the wall adjacent to the hinge side of the active door panel.

(4) The switch(s) must be designed so that they may be locked out and tagged in the open position.

EXCEPTION: Special purpose and residential inclined elevators are exempt from this section.

NEW SECTION

WAC 296-96-02362 What are the requirements associated with elevator machine rooms? (1) Panels or doors for the purpose of accessing nonelevator equipment are not permitted in elevator machine rooms. Passage through the machine room may not be used to gain access to other parts of the building that do not contain elevator equipment.

(2) The lighting control switch must be located inside the machine room within twenty-four inches of the lock jamb side of the machine room door.

(3) Cooling or venting of the elevator machine room:

(a) When solid state equipment is used to operate the elevators, the elevator machine room must be provided with an independent ventilation or air conditioning system to prevent overheating of the electrical equipment.

(b) The operating temperature shall be established by the elevator equipment manufacturer's specifications. Where no specifications are available, the machine room temperature shall be maintained at no less than fifty-five degrees Fahrenheit and no more than one hundred degrees Fahrenheit.

(c) When standby power is connected to the elevators, the machine room ventilation or air conditioning system shall be connected to the standby power.

(i) All cooling and heating systems must be independent.

(ii) If air conditioners are used, they must service the elevator machine room only. If the air conditioner is mounted overhead, seven feet of headroom clearance must be provided from the underside of the unit to the machine room floor.

(iii) If air exchange is used, it must not draw air from or exhaust air into other parts of the building.

(d) Machine rooms located in underground parking garages must have a means to exchange the air in the machine room. An "exchange of air" is completed through separate intake and exhaust systems.

EXCEPTION: The air in an underground parking garage machine room can be exchanged directly into the parking garage area.

(4) All elevators that are provided with remote elevator machine and/or control rooms must be provided with a permanent means of communication between the elevator car and the remote machine room and/or control room.

(5) Elevator machine room doors must have signs with lettering at least two inches in height with "elevator equipment room authorized personnel only - no storage."

EXCEPTION: Residential conveyances, LULAs and special purpose elevators are exempted from these requirements.

NEW SECTION

WAC 296-96-02363 What are the requirements for fire doors installed in front of hoistway doors? If fire and/or smoke doors are required to be installed by the International Building Code or the local building official they must not:

(1) Be permanently attached to the hoistway door assembly.

(2) Encroach upon the full width and height of the hoistway door opening.

NEW SECTION

WAC 296-96-02364 What are the requirements for accessing elevated elevator pit equipment? Where elevated pit equipment requires assisted vertical access of more than five feet, a permanent noncombustible working platform shall be provided. Access to the platform must be by a fixed ladder or stair conforming to ANSI A14.3. The platform shall be of sufficient strength to support personnel and may be of open grillwork.

In residential installations where the pit depth exceeds three feet, a fixed vertical ladder, designed to the current adopted rules for commercial installations, must be provided.

NEW SECTION

WAC 296-96-02366 What are the requirements for submersible pumps or sumps? Sump pumps and drains are not required in elevator pits. Sump holes must be installed and measure a minimum of 18" x 18" x 18". If drains or sump pumps are installed they must not be directly connected to sewers and/or storm drains. P-traps and check valves are not allowed. All installations must meet the NEC and all plumbing codes.

Sump hole covers must be designed to withstand a load of three hundred pounds per square foot.

NEW SECTION

WAC 296-96-02367 What are the requirements for top of car lighting for freight and passenger elevators? A permanently wired work light and outlet shall be installed on the top of freight and passenger elevators. The light(s) shall provide illumination of 10-foot candles across the entire horizontal plane of the top of the car up to a height of six feet. The fixture(s) shall be protected from accidental breakage.

NEW SECTION

WAC 296-96-02370 What is required for physically handicapped lifts? (1) All inclined stairway chairlifts and inclined and vertical wheelchair lifts installed in buildings where the conveyance is not visible at all times must be equipped with a standard electric switch Chicago style lock and #2252 key.

(2) All inclined stairway chairlifts and inclined and vertical wheelchair lifts installed in residences licensed as group homes must be equipped with a standard electric key switch Chicago style lock and #2252 key.

(3) All inclined stairway chairlifts and inclined and vertical wheelchair lifts installed in schools, day care centers, churches and other facilities which typically accommodate or provide services for children must also be equipped with a standard electric key switch Chicago style lock and #2252 key.

(4) Where these conveyances are installed outdoors, they must be equipped with either a standard electric key switch Chicago style lock and #2252 key or a timing device. The timing device must not allow the conveyance to run outside of normal business hours.

(5) In locations where the conveyance is not visible at all times, the conveyance must be equipped with a means of two-way communication that is capable of communicating with and signaling to a person or service that can respond appropriately at all times.

EXEMPTION: Inclined stairway chairlifts and inclined and vertical wheelchair lifts in private residences are not required to be equipped with key switches.

(6) Beginning July 1, 2004, vertical wheelchair lifts in commercial installations must be equipped with low energy power-operated doors or gates complying with ANSI/BHMA A156.19. Doors and gates shall remain open for twenty seconds minimum. End doors shall be thirty-two inches minimum clear width. Side doors shall be forty-two inches minimum clear width.

EXCEPTION: Lifts having doors or gates on opposite sides shall be permitted to have manual doors and gates.

(7) For purposes of this section, "not visible at all times" includes, but is not limited to, conveyances located in stairwells, auditoriums, and other areas which are not generally in the normal path of travel during the hours that the building is occupied.

NEW SECTION

WAC 296-96-02371 Are private residence inclined stairway chairlifts required to be permanently wired? No.

Private residence inclined stairway chairlifts are not required to be permanently wired into a structure. These conveyances may be equipped with a cord and plug. The plug must be directly inserted into a wall receptacle that is protected by a fuse or a circuit breaker at its source and is capable of supporting the additional load on the circuit. The source must be identified either at the receptacle or at the feeder panel. The cord must be secured in a manner that will not create any tripping hazards.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05010 What are the department's rules on material lifts? (1) These rules define a "material lift" as a fixed stationary conveyance that:

- (a) Has a car or platform moving in guides;
 - (b) Serves two or more floors of a building or structure;
 - (c) Has a vertical rise of at least 5 feet and no more than 60 feet;
 - (d) Has a maximum speed of 50 feet per minute;
 - (e) Is not part of a conveying system but is an isolated self-contained lift;
 - (f) Travels only in an inclined or vertical direction;
 - (g) Is operated or supervised by an individual designated by the employer;
 - (h) Is installed in a commercial or industrial area not accessible to the general public; and
 - (i) May not be operated from within the car.
- (2) ~~((Material lift installation and operation must comply with chapter 296-155 WAC (Safety standards for construction work).))~~

(3) Material lifts must not carry people so their operation or failure will not endanger people working near them. WAC 296-96-05010 through 296-96-05290 establishes requirements for the construction, installation, and operation of material lifts. These rules allow certain conveyances designed solely to transport material and equipment to be constructed to less stringent and costly standards than ASME A17.1.

These rules do not apply to conveyances that lack a car (platform) and use rollers, belts, tracks, power conveyors, or similar carrying (loading) surfaces. (See ASME/ANSI B20.1.)

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05030 What are the construction requirements for hoistway enclosure gates and doors? Enclosure gates (doors) must be constructed according to the following standards:

- (1) The gate must guard the full width of each opening on every landing.
- (2) It must be built in one of the following styles:
 - (a) Vertically sliding;
 - (b) Biparting;
 - (c) Counter-balanced;
 - (d) Horizontally swinging; or
 - (e) Horizontally sliding.

(3) Be constructed of either solid material or material with openings that will reject a 2-inch diameter ball.

(4) Be constructed with a distance of not more than 2 1/2 inches between a hoistway gate or hoistway door face and a landing sill edge.

(5) Be designed and guided to withstand (without being broken, permanently deformed, or displaced from its guides or tracks) a 100 pound lateral pressure applied near its center.

(6) ~~((Employ a combination mechanical lock and electrical contact))~~ Be equipped with labeled and listed electrical interlock(s) that prevents the operation of the lift when the doors or gates are open.

(7) ~~((Construct))~~ Be constructed with balanced type vertically sliding gates that extend no more than 2 inches vertically from the landing threshold and no less than 66 inches above it.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05070 What car enclosure requirements apply to lifts? Lift cars must have their sides enclosed with solid panels or openwork that will reject a 2-inch diameter ball. On the car sides where there is no gate (door), the enclosure must extend to a height of at least 48 inches from the floor or to a height necessary to enclose the materials that are being moved. On the car side next to the counterweight runway, the enclosure must extend vertically to the car top or underside of the car crosshead and horizontally to at least 6 inches on each side of the runway. Material lifts in unenclosed hoistways must have a car gate that is constructed of the same material as the car enclosure. The gate must be the same height as the sidewalls of the car enclosure and must be provided with a latching device.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05160 What types of ropes, chains, and rope connections must be used on a lift? (1) The following general requirements apply:

(a) Iron (low carbon steel) or steel wire ropes with fiber cores must be used to suspend cars and counterweights.

(b) The minimum safety factor for suspension ropes must be 6 times the manufacturers rated breaking strength per rope.

(c) The car, the counterweight end of the car and the counterweight wire ropes (or the stationary hitch ends where multiple roping is used) must be fastened so that the looped ends of the turned back portion in the rope sockets are clearly visible. Fastenings must either be:

- (i) Individual tapered, babbitted rope sockets; or
- (ii) Other types of department approved rope fastenings.

(d) Rope sockets must develop at least 80 percent of the breaking strength of the strongest rope used in the sockets.

(e) U-bolt rope clips (clamps) cannot be used for load fastenings.

(f) A metal or plastic data tag must be securely attached to one of the wire rope fastenings each time the ropes are replaced or reshackled. The data tag must include:

- (i) The diameter of the ropes in inches; and

- (ii) The manufacturer's rated breaking strength.
 - (iii) All replacements of wire rope or chain must be in accordance with the lift manufacturer's specifications.
- (2) The following requirements apply to specific types of material lifts:
- (a) Traction type lifts must use at least three hoisting ropes.
 - (b) ~~((Owners, operators and installers of))~~ Lifts suspended by hoisting chains must comply with the chain manufacturer's specifications for maintenance, inspection, and application.
 - (c) Lifts using roller chain type lifting chains must use chains with a six to one safety factor based on ASME/ANSI B-29.1M minimum (not average) chain strength.

(d) Drum type lifts, must use either at least two hoisting ropes or a secondary as well as a primary load path to the hoist must be employed. Also, the cable secured to the drum must be at least one and one-half turns around the drum when the carrier is at its extreme limit of travel.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05170 What requirements apply to lift control stations? Lift control stations must be located at each landing out of reach but within sight of the ~~((lift))~~ car. They must have controls that are permanently and clearly labeled by function. The controls must have a stop switch that will halt electrical power to the driving machine and brake. This stop switch must:

- (1) Be manually operated;
 - (2) Have red operating handles or buttons;
 - (3) Be conspicuously and permanently marked "STOP";
- and
- (4) Clearly indicate the stop and run position.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05230 What safety regulations apply to exposed equipment? All exposed gears, sprockets, sheaves, drums, ropes and chains must be guarded to protect against accidental contact as required ~~((by chapter 296-24 WAC (f))General safety and health standards((?))~~ adopted according to chapter 49.17 RCW.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05290 Under what conditions is a five-year test administered? A five-year test of the material lift car and counterweight safety devices must be conducted, and the test must be administered under the following conditions:

(1) Qualified people will conduct the test. A qualified person is either:

(a) An elevator mechanic licensed in the appropriate category for the conveyance being tested;

(b) The representative of a firm that ~~((manufactures, installs or services material lifts or a person approved by the department))~~ manufactured the particular material lift, and

who holds a current temporary mechanic's license in this state;

(c) The representative of a firm that manufactured the particular material lift who is working under the direct supervision of an elevator mechanic licensed in the appropriate category for the conveyance being tested.

(2) The car safety devices must be tested while the car is carrying a 100 percent rated load and the counterweight is at no load.

(3) A report of the test results must be submitted to the department for approval.

PART C2 - CONSTRUCTION, OPERATION, MAINTENANCE AND INSPECTION OF INCLINED PRIVATE RESIDENCE ~~((CONVEYANCE))~~ ELEVATOR FOR TRANSPORTING PERSON(S) FOR RESIDENTIAL USE

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-07010 What is the scope of ~~((these regulations))~~ Part C-2? The rules in this part are the minimum standard for all new ~~((and altered))~~ inclined private residence elevators for single family use. The purpose of this part is to provide for the safety of all persons riding in or operating an inclined private residence elevator to ensure that no person in proximity of the elevator will be endangered by its operation or failure.

NEW SECTION

WAC 296-96-07021 What are the requirements for existing inclined private residence elevators? Inclined private residence elevators must comply with the rules adopted by the department that were in effect at the time the elevator was permitted, regardless of whether the rule(s) has been repealed, unless any new rule specifically states that it applies to all conveyances, regardless of when the conveyance was permitted. Copies of previous rules adopted by the department are available upon request.

If the department determines that an inclined private residence elevator was installed without a permit and/or without an inspection the conveyance will be required to comply with the current rules adopted by the department unless you are able to provide documentation determining the date the conveyance was installed (e.g., sales receipts, building permits, or other appropriate documentation).

NEW SECTION

WAC 296-96-07024 What rules apply to alterations of inclined private residence elevators? If the inclined private residence elevator is altered only the component(s) that was altered must comply with the applicable rules adopted by the department in effect at the time the conveyance was altered. If the department determines that an elevator was altered without a permit and inspection, the conveyance will be required to comply with the applicable rules adopted by

the department at the time the noncompliant alteration was identified.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-07080 What are the load and size requirements for car platforms? ~~((1)) The rated load of a platform must not exceed 700 pounds.~~

~~(2) The inside net platform area must not exceed 12 square feet. exception: The net platform area may be increased by no more than 3 square feet provided that shelves or benches permanently affixed to the car structure reduce the standing area to 12 square feet.)~~ The minimum rated load shall be not less than the following:

(1) For net platform areas up to and including twelve square feet, the rated load shall be not less than forty pounds per square foot or three hundred fifty pounds whichever is greater.

(2) For net platform areas greater than twelve square feet, the rated load shall be based upon sixty-two and one-half pounds per square foot.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-07100 What construction requirements apply to ~~((incline))~~ inclined private residence elevators? (1) ~~((incline))~~ All of the components associated with inclined elevators must be built to a minimum safety factor of five, unless otherwise specified in this part.

(2) Inclined private residence elevator car frames and platforms must:

(a) Be built of metal, a combination of metal and wood or other materials of equal strength;

(b) ~~((Have a safety factor of at least five; and~~
(e)) Be suitably prepared and/or protected for exposure to weather.

~~((2))~~ (3) Incline car chassis must:

(a) Be built of metal, except for the guiding members, and

(b) ~~((Have a safety factor of at least 5, based upon the car's rated load.~~

(e)) Chassis guiding members must be retained and/or enclosed in guides so that the chassis cannot be derailed.

~~((3))~~ (4) Cast iron may not be used in the construction of a car frame or chassis.

~~((4))~~ (5) A car may have only one compartment.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-07170 What are the requirements of safeties and governors? (1) All inclined private residence elevators must be equipped with a safety capable of stopping and sustaining a car carrying its rated load.

(a) Elevator safeties must be type "A" or "B" or other devices approved by the department and must be operated by a speed governor.

(b) Elevator safeties must operate independently of governor speed action and without delay when a hoist rope breaks.

~~(2) ((Speed)) Governors ((must)) shall operate ((with)) to set the safety ((set)) at a maximum ((speed)) of 140 percent of rated speed ((and)). Upon slackening of the hoist ropes the safety shall set without appreciable delay and independently of the speed governor. The governor shall be located where:~~

~~(a) If over-travel occurs, ((they)) the governor will not be struck by the car or counterweight;~~

~~(b) All parts can freely and fully move; ((and))~~

~~(c) ((They are)) The governor is accessible for a complete examination;~~

~~(d) Governors are required to be of the mechanical type; and~~

~~(e) Belt driven governors must be monitored. In the case of belt breakage or disengagement, the car must be shut down.~~

(3) If ropes are used, ~~((they))~~ the ropes must be made of iron, steel, Monel metal or phosphor bronze and be at least 1/4 inch in diameter. Tiller rope construction must not be used.

(4) Motor-control circuits and brake-control circuits must be opened either before the safety applies or at the time ~~((#))~~ the safety applies.

(5) All safeties must apply mechanically. Electrically operated safeties must not be used.

(6) All winding drum type ~~((incline))~~ inclined elevators that use rope suspensions must be equipped with a manually reset slack-rope device. During a car's descent, if ~~((#))~~ the travel of the car is obstructed and the hoisting ropes go slack, the slack-rope device must stop power to the elevator motor and brake

(7) Cast iron must not be used to build any elevator safety part that stops and sustains the elevator.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-07180 What are the construction requirements for driving machines and sheaves? (1)(a) Winding drums, traction sheaves, overhead sheaves and deflecting sheaves must:

~~((a))~~ (i) Be made of cast iron or steel;

~~((b))~~ (ii) Have diameters at least 30 times the diameter of the wire hoisting ropes; and

~~((c))~~ (iii) Have machined rope grooves.

(b) EXCEPTION:

~~((1))~~ (i) If 8 x 19 steel ropes are used, drum and sheave diameters may be reduced to 21 times the diameter of the hoisting rope.

~~((2))~~ (ii) Existing incline lifts suspended by cables are not required to have machine grooves, except for the first row of cables wrapped on the drum and shall be required to have a tracking device.

~~((3))~~ (iii) On existing inclined lifts suspended by cables that do not have machine grooves on the drum, the first layer of ropes will be recognized as providing the same traction as grooves, provided that this layer remains on the drum at all times and is not allowed to wind out. Such lifts must be pro-

vided with a tracking device to ensure that the rope does not wind over itself on the drum.

(2) The factor of safety, based on the static load (the rated load plus the weight of the car, ropes, counterweights, etc.) to be used in the design of driving machines and sheaves, must be at least:

(a) Eight for driving machines and sheaves built of wrought iron and steel; or

(b) Ten for driving machines built of cast iron, cast steel or other materials.

~~((4))~~ (3) Set screw type fastenings must not be substituted for keys or pins if connections are subject to torque or tension.

~~((5))~~ (4) Gears:

(a) When connecting drums or sheaves to the main driving gear, friction gears, clutch mechanisms or couplings must not be used.

(b) Worm gears having cast iron teeth must not be used.

~~((6))~~ (5) Brakes:

(a) Electric brakes must be of the friction type set by springs and must release electrically.

(b) All brakes must be able to stop and hold a elevator carrying 125 percent of its rated load.

(c) At least one brake must be mounted ~~((on the load side of the driving machine's worm shaft. On indirectly driven elevators, brakes must engage when the driving machine fails.))~~ so that in the case of gearbox failure, the drum will hold the rated load.

(d) If a single ground or short-circuit, a counter-voltage or a motor field discharge occurs and the operating device is set in the stop position, the brake magnet must set the brake.

~~((7))~~ (6) Driving machines:

(a) A driving machine may be mounted on a elevator chassis or in a remote location. However, if mounted in a remote location, all sheaves and sprockets must be guarded and positioned so the hoisting ropes and chains remain properly aligned while the elevator is in use.

(b) Screw type machines must not be used.

(c) Hydraulic driving machines must conform to ASME A17.1.

(d) Roped-hydraulic machines may be used.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-07190 **What construction requirements apply to terminal stopping switches?** A hoistway must be equipped with normal upper and lower terminal stopping switches that are activated by a elevator chassis. ~~((These))~~ Normal upper and lower terminal stopping switches must stop the elevator at the normal top and bottom terminals of travel.

(1) A hoistway must be equipped with final terminal stopping switches that are activated by a elevator chassis. These switches must stop the elevator ~~((from traveling))~~ if the elevator travels beyond the normal terminals and prevent ~~((it))~~ the elevator from moving in ~~((both))~~ either direction~~((s))~~.

(2) Winding drum machines may use a slack cable switch instead of a bottom final terminal switch.

(3) Normal and final terminal stopping switches must not control the same switches on the controller unless at least two separate and independent switches are used. At least two of these separate switches must be closed in order to complete the motor and brake circuits for each direction of travel.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-07200 **What are the requirements for operation of an inclined private residence elevator?** ~~((1))~~ An inclined private residence elevator must be operated by constant pressure or momentary pressure key switches located at each operating station and on the elevator:

~~((a))~~ The key or code must be entered each time to move the elevator.

~~((b))~~ Key-operated switches must be of the spring return type and must be operated by a weatherproof cylinder type lock having not less than five pin or five disc combination with the key removable only when the switch is in the off position.

~~((c))~~ On existing installations with key/button operations, the key must be activated each time to energize the operation.

~~((2))~~ Emergency stop switches must be provided on or adjacent to the operating station. Stop switches must:

~~((a))~~ Be of a manually opened and manually closed type;

~~((b))~~ Have red handles or buttons and be conspicuously marked "stop;"

~~((c))~~ Open even if springs fail when springs are used.

~~((3))~~ Design and installation of control and operating circuits must meet the following:

~~((a))~~ Control systems based upon the completion or maintenance of an electric circuit must not be used for interrupting power and applying machine brakes at terminals; stopping elevators when an emergency stop switch is open or when any electrical protective device operates; stopping a machine when the safety applies.

~~((b))~~ If springs are used to activate switches, contact, or circuit breaking relays to stop the elevator at a terminal, the springs must be a restrained compression type.

~~((4))~~ Hand-rope operation must not be used.)) (1) If the activation of the elevator is by key switch or key pad it must conform to the requirements of (a) and (b) of this subsection. The department may approve alternative methods of equal security such as key card or magnetic swipe card. Methods must conform to the following:

~~((a))~~ The key or code must be entered each time to move the elevator.

~~((b))~~ Key-operated switches must be of the spring return type and must be operated by a weatherproof cylinder type lock having not less than five pin or five disc combination with the key removable only when the switch is in the off position.

~~((2))~~ If activation of the elevator is provided by a timing circuit that only allows the circuits to be initiated or unlocked for a sufficient amount of time to allow passengers to board the elevator and begin transit, a separate activation switch on the car is not required. The operating circuits must automatically relock:

(a) If the elevator is not activated within its preset period of time;

(b) When any landing stop button is activated;

(c) When the preset timing period has expired and the car has completed transit to another landing or returns to the departure landing.

(3) Emergency stop switches must be provided on or adjacent to the operating station.

(a) Stop switches in the car must:

(i) Be of a manually opened and manually closed type;

(ii) Have red handles or buttons and be conspicuously marked "STOP";

(iii) Open even if springs fail when springs are used.

(b) Stop switch at other operating stations:

(i) May be of a momentary type;

(ii) Must have red handles or buttons and be conspicuously marked "stop";

(iii) Must open even if springs fail when springs are used;

(iv) After initiation of stopping, the car may not automatically restart. Run condition must be manually initiated.

(4) Design and installation of control and operating circuits must meet the following:

(a) Control systems based upon the completion or maintenance of an electric circuit must not be used for interrupting power and applying machine brakes at terminals; stopping elevators when an emergency stop switch is open or when any electrical protective device operates; stopping a machine when the safety applies.

(b) If springs are used to activate switches, contact, or circuit breaking relays to stop the elevator at a terminal, the springs must be of the restrained compression type.

(5) Hand rope operation must not be used.

(6) Radio controls may be used in lieu of wiring for all car controls provided:

(a) The system is set up so that it is fail safe (if contact is lost, the unit will stop);

(b) In such installations, the stop button in the car shall interrupt the circuit of frequency; and

(c) The controls are permanently mounted and conform to code.

NEW SECTION

WAC 296-96-07215 What are the requirements for controllers? All controllers must be labeled and listed. In addition, controller covers must be locked.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-07230 What requirements apply to electrical wiring? (1) All wiring must conform to the National Electrical Code (NEC) in effect at the time of installation or major alteration.

(2) If a driving machine is mounted on the elevator chassis, the electrical connections between the elevator and the power source must be able to stop power if a traveling cable parts.

(3) All electrical connections between the elevator and the stationary connections must be insulated flexible conduc-

tors conforming to the applicable articles in the NEC (~~Article 620~~) relating to Elevators, Dumbwaiters, Escalators, Moving Walks, Wheelchair Lifts, and Stairway Chair Lifts.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-07250 What additional requirements apply to inclined private residence elevators? (1) All inclined private residence elevators must be equipped with:

(a) A (~~hand crank capable~~) Manual method of moving the elevator in accordance with ASME A17.1; and

(b) A machine brake with a lever to release the brake allowing use of the (~~hand crank~~) manual method.

(2) Machinery spaces must be protected from weather and accidental contact. Machinery spaces must be locked.

(3) Guiding members and moving parts of the inclined private residence elevator must be free of brush and other types of material that might either impede the travel or cause deterioration of the equipment over time.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08010 What is the scope of (~~these regulations~~) **Part C-3**? The rules in this section are the minimum standard for all new (~~or altered~~) and existing inclined private residence (~~elevators~~) conveyances for transporting property for single family use in a private residence. The purpose of this section is to ensure that inclined private residence (~~elevators~~) conveyances will be used only for transporting materials and goods, not people, and that no person in proximity of the (~~elevator~~) conveyance will be endangered by its operation or failure.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08020 What is the definition for inclined private residence (~~elevator~~) conveyances for transporting property? "Inclined private residence (~~elevator~~) conveyances for transporting property" means a device constructed and operated for transporting property from one elevation to another at an angle of inclination of 70 degrees or less from the horizontal. Essentially, it is a car or platform traveling on guides or guiding members in an inclined plane.

NEW SECTION

WAC 296-96-08022 What are the requirements for existing inclined private residence conveyances for transporting property? Inclined private residence conveyances for transporting property must comply with the rules adopted by the department that were in effect at the time the conveyance was permitted, regardless of whether the rule(s) has been repealed, unless any new rule specifically states that it applies to all conveyances, regardless of when the conveyance was permitted. Copies of previous rules adopted by the department are available upon request.

If the department determines that an inclined private residence conveyance for transporting property was installed

without a permit and inspection the conveyance will be required to comply with the current rules adopted by the department unless you are able to provide documentation determining the date the conveyance was installed (e.g., sales receipts, building permits, or other appropriate documentation).

NEW SECTION

WAC 296-96-08024 What rules apply to alterations of inclined private residence conveyances for transporting property? If the inclined private residence conveyance for transporting property is altered only the component(s) that was altered must comply with the applicable rules adopted by the department in effect at the time the conveyance was altered.

If the department determines that a conveyance was altered without a permit and inspection, the conveyance will be required to comply with the applicable rules adopted by the department at the time the noncompliant alteration was identified.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08030 Does the department approve elevators plans and specifications for inclined private residence conveyances for transporting property? Yes. (1) Before commencing construction of any inclined private residence elevator for transporting property the owner must submit complete plans and specifications to the department for approval.

(2) Plans and specifications covering the installation of an inclined private residence ~~((elevator))~~ conveyance for transporting property must be endorsed by a professional engineer before the department will approve the plans.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08050 What are the construction requirements for inclined private residence ~~((elevator))~~ conveyances for transporting property for cars, landing gates, and enclosures? (1) Any landing enclosure must have a railing at least 42 inches high to protect all landing platforms and those areas of a building used as landing platforms.

(2) Where gates are not provided at the entrance to the platform, a chain with a sign must be provided to block the landing entrance. The sign must state "Keep off landing until elevator has stopped at platform."

(3) If gates are provided, they must be:

(a) Either ~~((be))~~ a horizontally sliding type or a swing type; and

(b) Equipped with a latch that holds the gate closed and an electrical contact to prevent movement of the elevator when a gate is open.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08060 What types of bumpers and buffers must be installed on inclined private residence ~~((elevators))~~ conveyances for transporting property? Solid bumpers or spring type buffers may be used. (1) Solid bumpers must:

(a) Be built of wood or other suitable resilient material;
(b) Have the ability to resist deterioration from weather; and

(c) Have sufficient strength to withstand, without failure, the impact of a descending ~~((elevator))~~ conveyance carrying its rated load or counterweight and traveling at 115 percent of its rated speed.

(2) Spring type buffers, if used, must:

(a) Be built with a minimum stroke of 3/4 inch and with a maximum stroke of 1 1/2 inches; and

(b) Not fully compress when struck by the ~~((elevator))~~ conveyance carrying its rated load or counterweight and traveling at 115 percent of its rated speed.

(3) Inclined private residence ~~((elevators))~~ conveyances for transporting property are not required to have bumpers and buffers except when obstructions are encountered.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08090 What is the maximum rated speed of an ~~((incline elevator))~~ inclined conveyance? The maximum rated speed of an ~~((incline elevator))~~ inclined conveyance, measured along the incline, is 75 feet per minute.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08100 What requirements apply to ~~((incline elevators))~~ inclined conveyance? (1) ~~((Incline))~~ Inclined conveyance elevator frames and platforms must:

(a) Be built of metal, a combination of metal and wood or other materials of equal strength;

(b) Have a safety factor of at least 5; and

(c) Be suitably prepared and/or protected ~~((for))~~ from exposure to weather.

(2) ~~((Incline elevator))~~ Inclined conveyance chassis must:

(a) Be built of metal, except for the guiding members;

(b) Have a safety factor of at least 5, based upon the ~~((elevator's))~~ conveyance's rated load; and

(c) Have the chassis guiding members retained and/or enclosed in guides so that the chassis cannot be derailed.

(3) Cast iron may not be used in the construction of the ~~((elevator))~~ conveyance frame or chassis.

(4) A car may have only one compartment.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08110 What requirements apply to car enclosures? (1) Car enclosures are not required; however, if provided, the car enclosure must be:

(a) Securely fastened to the car platform so that it cannot become loose or displaced due to ordinary service, application of the ((~~elevator~~)) conveyance safety, or from the ((~~elevator~~)) conveyance coming into contact with the buffer.

(b) Built to withstand a 75 pound pressure, horizontally applied at any point on the wall, without causing a wall deflection that reduces running clearance below 3/4 inch or above 1 inch.

(2) If glass or plastic is used in the car enclosure, it must be weather resistant plastic or tempered safety glass.

(3) Where there is no car enclosure, a means must be provided to secure all materials to the platform.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08140 Are capacity and data plates required on inclined private residence ((~~elevator~~)) conveyances for transporting property? (1) The manufacturer must install a weather resistant capacity plate. It must be securely fastened to the ((~~elevator~~)) conveyance in a conspicuous place and state the ((~~elevator~~s)) conveyance's rated load in pounds using letters at least 1/4 inch high.

(2) The manufacturer must install a metal data plate showing the ((~~elevator~~s)) conveyance's weight, speed, suspension means data, manufacturer's name and date of installation. The data plate must be securely fastened in a conspicuous place in the machine area.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08150 What are the requirements for guide rails, track supports and fastenings? (1) Guides, guide rails, guide rail brackets, splice plates, and fastenings must be made of steel or other metals conforming to the requirements of this section.

(2) Guides, guide rails, guide rail brackets, and their fastenings and supports must, at the point of support, deflect 1/8 inch or less while resisting horizontal forces encountered during loading. When horizontal force is measured at a midpoint between brackets, guide rails must deflect 1/4 inch or less in any direction.

(3) The top and bottom of each guide or guide rail run must not allow the ((~~elevator~~)) conveyance and counterweight guiding members to travel beyond the guide rail ends.

(4) Guides for inclined private residence ((~~elevators~~)) conveyances must have no more stresses and deflection than allowed by the manufacturer's specifications.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08160 What requirements apply to counterweights? (1) Counterweights, where used, must be in a guide or track.

(2) Counterweights must not be of sufficient weight to cause undue slackening of any ((~~elevator~~)) conveyance hoisting rope or chain during acceleration or retardation of the ((~~elevator~~)) conveyance. Counterweight weight section must

be mounted in structural or formed metal frames which are designed to retain weights securely in place.

exception: Counterweights may be constructed of a single metal plate.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08170 What are the requirements of safeties and governors? (1) All inclined private residence ((~~elevators~~)) conveyances for transporting property must have a slack cable safety device capable of stopping and sustaining a car carrying its rated load.

(2) Other types of approved safety devices may be used. If so, such devices must meet the requirements of WAC 296-96-07170.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08175 How and when are ((~~elevator~~)) conveyance safeties tested? The ((~~elevator-safety~~)) safeties must be tested before the inclined private residence ((~~elevators~~)) conveyances for transporting property is put into service. ((~~H~~)) Safeties must be tested while the ((~~elevator~~)) conveyance is carrying its rated load.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08180 What are the requirements for driving machines and sheaves? (1) All new winding drums, traction sheaves, overhead sheaves and deflecting sheaves must:

(a) Be made of cast iron or steel;

(b) Have diameters at least 30 times the diameter of the wire hoisting ropes. EXCEPTION: If 8 x 19 steel ropes are used, drum and sheave diameters may be reduced to 21 times the diameter of the hoisting rope; and

(c) Have machined rope grooves.

(2) The factor of safety, based on the static load (the rated load plus the weight of the car, ropes, counterweights, etc.) to be used in the design of driving machines and sheaves, must be at least 5.

(3) Set screw type fastenings must not be substituted for keys or pins if connections are subject to torque or tension.

(4) Gears:

(a) When connecting drums or sheaves to the main driving gear, friction gears, clutch mechanisms or couplings must not be used.

(b) Worm gears having cast iron teeth must not be used.

(5) Brakes:

(a) Electric brakes must be of the friction type set by springs and must release electrically.

(b) All brakes must be able to stop and hold a car carrying 125 percent of its rated load.

(c) At least one brake must be mounted on the load side of the driving machine's worm shaft. On indirectly driven lifts, brakes must engage when the driving machine fails.

(d) If a single ground or short-circuit, a counter-voltage or a motor field discharge occurs and the operating device is set in the stop position, the brake magnet must set the brake.

(6) Driving machines:

(a) A driving machine may be mounted on a ~~((elevator))~~ conveyance chassis or in a remote location. However, if mounted in a remote location, all sheaves and sprockets must be guarded and positioned so the hoisting ropes and chains remain properly aligned while the ~~((elevator))~~ conveyance is in use.

(b) Screw type machines must not be used.

(c) Hydraulic driving machines must conform to ASME A17.1.

(d) Roped-hydraulic machines may be used.

(e) Rack and pinion drive may be used.

EXCEPTION: Existing inclined private residence ~~((elevators))~~ conveyances for transporting property may use wrapped cable drums as long as they do not show signs of excessive wear.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08190 **What requirements apply to terminal stopping switches?** A hoistway must be equipped with normal upper and lower terminal stopping switches that are activated by the ~~((elevator))~~ conveyance chassis. These switches must stop the ~~((elevator))~~ conveyance at the normal top and bottom terminals of travel.

(1) Winding drum machines may use a slack cable switch as a bottom final terminal switch.

(2) Normal and final terminal stopping switches must not control the same switches on the controller unless at least two separate and independent switches are used. At least two of these separate switches must be closed in order to complete the motor and brake circuits for each direction of travel.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08200 **What are the requirements for the activation and operation of an inclined private residence ~~((elevators))~~ conveyances for transporting property?** ~~((1))~~ An inclined private residence elevator for transporting property must be operated by constant pressure or momentary pressure key switches located at each operating station/landing:

~~(a) The key or code must be entered each time to move the elevator.~~

~~(b) Key-operated switches must be of the spring return type and must be operated by a weatherproof cylinder type lock having not less than five pin or five disc combination with the key removable only when the switch is in the off position.~~

~~(c) On existing installations with key/button operations, the key must be activated each time to energize the operation.~~

~~(2) Emergency stop switches must be provided on or adjacent to the operating station. Stop switches must:~~

~~(a) Be of a manually opened and manually closed type;~~

~~(b) Have red handles or buttons and be conspicuously marked "stop;"~~

~~(c) Open even if springs fail when springs are used.~~

~~(3) Design and installation of control and operating circuits must meet the following:~~

~~(a) Control systems based upon the completion or maintenance of an electric circuit must not be used for interrupting power and applying machine brakes at terminals, stopping elevators when an emergency stop switch is open or when any electrical protective device operates, or for stopping a machine when the safety applies.~~

~~(b) If springs are used to activate switches, contact, or circuit breaking relays to stop the elevator at a terminal, the springs must be a restrained compression type.~~

~~(4) Hand-rope operation must not be used.)~~ (1) If activation of the conveyance is by key switch, key pad or swipe card, the activation and operation must conform to the requirements of (a) and (b) of this subsection. The department may approve alternative methods of equal security.

(a) The key or code must be entered each time to move the conveyance.

(b) Key-operated switches must be of the spring return type and must be operated by a weatherproof cylinder type lock having not less than five pin or five disc combination with the key removable only when the switch is in the off position.

(2) If activation is provided by a timing circuit that only permits the circuits to be initiated or unlocked for a sufficient amount of time to allow the loading of materials, the operating circuits must automatically relock:

(a) If the conveyance is not activated within its preset period of time;

(b) When any landing stop button is activated; or

(c) When the car has completed transit to another landing or returns to the departure landing.

(3) Emergency stop switches must be provided on or adjacent to the operating station. Stop switches:

(a) May be of a momentary type;

(b) Must have red handles or buttons and be conspicuously marked "STOP"; and

(c) Must open even if springs fail when springs are used.

(4) After initiation of stopping, the car may not automatically restart. Run condition must be manually initiated.

(5) Design and installation of control and operating circuits must meet the following:

(a) Control systems based upon the completion or maintenance of an electric circuit must not be used for interrupting power and applying machine brakes at terminals, stopping elevators when an emergency stop switch is open or when any electrical protective device operates, or for stopping a machine when the safety applies.

(b) If springs are used to activate switches, contact, or circuit breaking relays to stop the elevator at a terminal, the springs must be a restrained compression type.

(6) Hand rope operation must not be used.

(7) Radio controls may be used in lieu of wiring for all car controls provided:

(a) The system is set up so that it is fail safe (if radio contact is lost, the unit will stop);

(b) In such installations, the stop button in the car shall interrupt the circuit of frequency; and

(c) The controls are permanently mounted and comply with the applicable rules.

NEW SECTION

WAC 296-96-08215 What are the requirements for controllers? All controllers must be labeled and listed. In addition, controller covers must be locked.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08220 What are the requirements for traveling cables? (1) All traveling cables must conform to the ~~((National Electrical Code-))~~NEC(()) in effect at the time of installation or major alteration.

(2) Where circuits through the traveling cable(s) exceed 30 volts, a means must be provided to stop the power automatically if the traveling cables part.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08230 What requirements apply to electrical wiring? (1) All wiring must conform to the ~~((National Electrical Code-))~~NEC(()) in effect at the time of installation or major alteration.

(2) If a driving machine is mounted on the ~~((elevator))~~ conveyance chassis, the electrical connections between the ~~((elevator))~~ conveyance and the power source must be able to stop power if a traveling cable parts.

(3) All electrical connections between the ~~((elevator))~~ conveyance chassis and the stationary connections must be insulated flexible conductors conforming to the applicable articles of the NEC ~~((Article 620-))~~ relating to Elevators, Dumbwaiters, Escalators, Moving Walks, Wheelchair Lifts, and Stairway Chair Lifts.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08250 What additional requirements apply to inclined private residence ~~((elevators))~~ conveyances for transporting property? (1) All inclined private residence ~~((elevators))~~ conveyances for transporting property must be equipped with:

(a) A ~~((hand-erank))~~ manual method capable of moving the ~~((elevator))~~ conveyance in accordance with ASME A17.1; and

(b) A machine brake with a lever to release the brake allowing use of the ~~((hand-erank))~~ manual method.

(2) Machinery spaces must be protected from weather and accidental contact. Machinery space must be locked.

(3) Metal signs stating "NO RIDERS" in two-inch letters must be conspicuously posted and permanently attached to the ~~((elevator))~~ conveyance and at each landing.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-09002 ~~((Can))~~ May a drop plate be used for temporary hoists? Drop plates for temporary hoists may be allowed provided that they are permanently attached to the elevator and the elevator may not operate unless the drop plate is retracted.

NEW SECTION

WAC 296-96-09003 What are the requirements for landing gates? Landing gates must be provided with electrical gate switches.

NEW SECTION

WAC 296-96-09004 Do jumps (increased travel) have to be inspected? Yes. Personnel hoists that have been increased in height (jumped) must be inspected before being allowed to run to the new landings.

NEW SECTION

WAC 296-96-10002 Do jumps (increased travel) have to be inspected? Yes. Material hoists that have been increased in height (jumped) must be inspected before being allowed to run to the new landings.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-11001 What regulations apply to belt manlifts ~~((prior to 1974))~~?

((BELT-MANLIFT CODE			
TITLE	DATE INSTALLED		COMMENTS
	FROM	TO	
Existing Belt Manlifts	1962	1974	Used as existing standard for belt manlifts installed in years effective.)

WAC 296-96-11010 through 296-96-11078 applies to all existing belt manlifts. After the effective date of these rules all belt manlifts must be installed according to Belt Manlifts USAS A90.1-1997.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-11016 What ~~((structural))~~ general requirements apply to belt manlift landings? (1) Vertical clearance between the floor or mounting platform and the lower edge of the conical guard above it must be at least 7 feet, 6 inches. When this clearance is not possible, access to the manlift must be prohibited and the space where the runway passes through the platform floor must be enclosed.

(2) Floor space adjacent to floor openings must be kept clear and free of obstructions at all times.

(3) Adequate lighting (not less than ((3)) 5 foot-candle power) must be provided at each floor landing whenever the lift is in use.

PROPOSED

(4) The landing surfaces at all entrances and exits must provide safe footing and must have a coefficient of friction of at least 0.5 to help insure safe footing.

(5) Emergency landings must be provided so that the maximum distance a person must travel on the emergency ladder between an emergency landing and a floor landing is 25 feet. Emergency landings must:

- (a) Be accessible from both runs of the lift;
- (b) Give access to the emergency ladder; and
- (c) Be completely enclosed with a standard railing and toeboard.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-11019 What ~~((structural))~~ requirements apply to the guards and cones of belt manlift landings? (1) On the ascending side of the lift, all landings must have a beveled guard or cone that meets the following requirements:

(a) Where possible, a cone must make an angle with the horizontal of at least 45 degrees. A cone angle of 60 degrees or more must be used where ceiling heights permit.

(b) Where possible, ~~((a))~~ the guard or cone must extend at least 42 inches outward from any belt handhold. A guard or cone must not extend beyond the upper surface of the floor above.

(c) A cone must be built of sheet steel (at least No. 18 U.S. gauge) or any material of equivalent strength or stiffness. The lower edge of a cone must be rolled to a minimum diameter of 1/2 inch. The interior of a cone must be smooth with no protruding rivets, bolts or screws.

(2) All obstructions must be guarded just like floor openings with the same minimum distances observed.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-11022 What requirements apply to guarding lift entrances and exits? (1) All manlift floor or landing entrances and exits must be guarded by either a maze (staggered railing) or a handrail equipped with self-closing gates.

(2) When a maze is used:

(a) Maze or staggered openings must not allow direct passage between a platform enclosure and the outer floor space;

(b) Rails must be located between 2 and 4 feet from the edge of the opening as measured at right angles to the face of the belt; and

(c) At openings, the intersection of the top rail and the end post must form a bend or standard long sweep "ell."

(3) When a handrail is used:

(a) Rails must be standard guardrails with rounded corners, toeboards and meet the guard rail requirements ~~((located in chapter 296-24 WAC, General safety and health standards))~~ adopted according to chapter 49.17 RCW; and

(b) Gates must have rounded corners, open outward, and be self-closing.

(4) Unless prevented by building design, all entrances and exits at all landings must be in the same relative location.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-11045 What drive machine requirements apply to belt manlifts? (1) Belt manlifts must be driven either by directly connected machines or by multiple "V" belts.

(2) Cast iron gears must not be used.

(3) Brakes:

(a) On direct connected machines, the brake must be mechanically applied to the motor shaft and released electronically.

(b) On "V" belt driven machines, the brake must be mechanically applied to the input shaft and released electronically.

(c) All brakes must be capable of stopping and holding the lift while carrying its rated capacity.

(4) Belts:

(a) Belts may not have more than one splice per belt.

(b) There shall not be more than one inch of space between the opposing ends of the belt.

(c) A belt manlift that has evidence of severe belt damage must be removed from service immediately. Belts with severe belt damage may not be repaired and/or returned to service. "Severe belt damage" means that the protective outer cover of a belt becomes cut, cracked or separated exposing damaged inner fabric, and such damage extends across the full width of the belt, spans between adjacent bolt holes, or damage goes through the entire thickness of the inner fabric. A torn belt is also considered severe.

Exception: A lap splice that has become cracked or damaged may be converted to a butt splice and returned to service, provided that the damaged area on the splice is completely removed.

(d) The conversion of a lap splice to a butt splice does not constitute a repair.

(e) A belt that has evidence of superficial belt cover damage while in use on a manlift is not required to be replaced. "Superficial belt cover damage" means that the protective outer cover of a belt becomes scratched, cut or cracked exposing the inner fabric. Such damage may not be continuous across the full width of the belt.

(5) Belts fastening:

(a) Belts must be fastened either by a ~~((lapped))~~ lap splice or a butt splice with a strap on the belt side opposite the pulley.

(b) For lapped splices on manlifts with travel distances not exceeding 100 feet, the overlap of the belt at the splice must be at least 3 feet; or

(c) For lapped splices exceeding 100 feet, the overlap at the splice must be at least 4 feet.

(d) For butt splices on manlifts with travel distances not exceeding 100 feet, the strap must extend at least 3 feet on one side of the butt; or

(e) For butt splices not exceeding 100 feet, the strap must extend at least 4 feet on one side of the butt.

(f) For 12-inch belts, the joint must be fastened with a minimum of 20 special elevator bolts with minimum diameters of 1/4 inch. To effectively cover the belt joint area, these bolts must be arranged symmetrically in 5 rows.

PROPOSED

- (g) For a 14-inch belt, the minimum number of bolts is 23.
- (h) For a 16-inch belt, the minimum number of bolts is 27.
- ~~((5))~~ (6) All installations must use machines designed and constructed to hold the driving pulley when there is shaft failure or overspeed.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-11057 What requirements apply to "up-limit stops"? (1) Two separate automatic stop devices must be provided to cut off the power and apply the brake when a loaded step passes the upper terminal landing. One of these devices must consist of a switch mechanically operated by the belt or stop roller. The second device must consist of any of the following:

- (a) A roller switch located above but not in line with the first switch;
- (b) A photocell and light source (an "electric eye"); or
- (c) A switch activated by a lever, bar, rod or plate.
- ~~((6))~~ (i) If a plate is used, it should be positioned above the head pulley so it barely clears a passing step.~~((7))~~
- (ii) If a bar is used, the bar must be of the "breakaway" type.

(2) The stop device must stop the lift before a loaded step reaches a point 24 inches above the top terminal landing.

(3) Once the lift has stopped, the automatic stop device must be manually reset. Therefore, this device must be located on the top landing where the reset person has a clear view of both the "up" and "down" runs of the lift; and it must be impossible to reset from a step.

(4) Electric stop devices must meet the following requirements:

- (a) All electric switches that directly open the main motor circuit must be multiple type switches;
- (b) Photoelectric devices must be designed and installed so that failure of the light source, the light sensitive element or any vacuum tube used in the circuit will result in shutting off power to the driving motor;
- (c) In areas where flammable vapors or dust may be present, all electrical installations must be in accordance with the NEC requirements for those installations; and
- (d) All controller contacts carrying main motor current must be copper to carbon types unless the circuit is simultaneously broken at two or more points or the contacts are immersed in oil.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-11078 What is required for belt manlift inspections? (1) All manlifts must be inspected by a qualified person, designated by the lift's owner, at least once every 30 days.

(2) The inspection must cover (but is not limited to) the following items:

- Belt and belt tension
- Bottom (boot) and pulley
- Brake

- Clearance
- Drive pulley
- Driving mechanism
- Electrical switches
- Guardrails
- Handholds and fastenings
- Lubrication
- Motor
- Pulley supports
- Rails, rail supports and fastenings
- Rollers and slides
- Signal equipment
- Steps and fastenings
- Warning signs and lights

(3) A written record must be kept of results of each inspection, and it must be made available to all inspectors. This information must be recorded under the monthly portion of the test log required by Appendix A of ASME A90.1-1997.

(4) For purposes of this section "adequate lighting" means five-foot candles.

NEW SECTION

WAC 296-96-11080 Under what conditions is a five-year test administered? A five-year test of the belt manlift must be conducted, and the test must be administered under the following conditions:

(1) Qualified people will conduct the test. A qualified person is either:

- (a) An elevator mechanic licensed in the appropriate category of the conveyance being tested;
- (b) The representative of a firm that manufactured the particular belt manlift who holds a current temporary mechanic's license in this state; or
- (c) The representative of a firm that manufactured the particular belt manlift who is working under the direct supervision of an elevator mechanic licensed in the appropriate category of the conveyance being tested.

(2)(a) The up capacity of the belt manlift must be tested with two hundred pounds on each horizontal step. During the up-run portion of the test the belt manlift must not show appreciable slip of the belt when standing or running at rated speed.

(b) The down capacity of the belt manlift must be tested with two hundred pounds on each horizontal step. During the down-run portion of the test the belt manlift must not show appreciable slip of the belt when standing or running at the rated speed.

The brake shall stop and hold the belt with test load within a maximum of twenty-four inches of travel.

(3) After the five-year test has been performed a tag indicating the date of the test and name of the company performing the test must be attached in a visible area of the drive motor machine.

ELECTRIC MANLIFTS**NEW SECTION**

WAC 296-96-13135 What are the requirements for electric manlifts? WAC 296-96-13135 through 296-96-13171 are the minimum requirements for all existing electric manlifts.

NEW SECTION

WAC 296-96-13139 What structural requirements apply to hoistway enclosures and landings? (1) A hoistway must be fully enclosed, or enclosed on all landings to a height of six feet above the landing floor or six feet above the highest working level or stair level adjacent to the hoistway.

(2) Perforated enclosures can be used where fire resistance is not required. However, such an enclosure must use at least No. 13 U.S. gauge steel wire, if a steel wire grill or expanded metal grill type, and it must have openings that reject a one-inch diameter ball.

(3) All landings must be properly and adequately lighted.

(4) For purposes of this section "adequate lighting" means five-foot candles.

NEW SECTION

WAC 296-96-13143 What structural requirements apply to hoistway gates and doors? (1) Gates may be constructed of wood slat, steel wire grill, expanded metal or solid material provided that all openings reject a two-inch diameter ball and resist a two hundred fifty pound horizontal thrust.

(a) Steel wire and expanded metal gates must be constructed of at least No. 13 U.S. gauge steel.

(b) Wood slat gates must have slats at least two inches wide and one-half inch thick, nominal size.

(c) Solid material gates must be constructed of at least one-eighth inch reinforced sheet steel or one-half inch plywood.

(2) Gates may be horizontal swinging, vertical or horizontal sliding or biparting types, and must:

(a) Span the full width of the elevator car;

(b) Extend from one inch above the landing floor to at least six feet above it;

(c) Not swing into the hoistway; and

(d) Be equipped with interlocks or mechanical locks and electric contacts that prevent the gate from opening when a car is away from a landing.

(3) Hoistway doors must be closed before the car can leave the landing. Once the car leaves the landing, the door must be latched so that it will not open when the elevator is not at the landing.

NEW SECTION

WAC 296-96-13145 What structural requirements apply to elevator cars? Elevator cars must be fully enclosed to the car height or to a height of at least six feet six inches, whichever is greater.

(1) If constructed of solid materials, cars must be capable of withstanding a horizontal thrust of seventy-five pounds while deflecting no more than one-quarter inch.

(2) If constructed of perforated materials, all openings must be capable of rejecting at least a one-inch diameter ball.

(3) Cars frames must be of substantial metal or wood construction.

(a) Metal frames must have a safety factor of four.

(b) Wood frames must have a safety factor of six.

(c) Wood frames must be constructed with gussets and bolts secured with large washers, lock washers and nuts.

(4) Cars must have platforms whose inside dimensions do not exceed thirty inches on each side (six and one-quarter square feet area).

(5) Cars must have substantial protective tops. These tops:

(a) May have hinged front halves;

(b) May be made of No. 9 U.S. wire-gauge screen, No. 11 gauge expanded metal, No. 14 gauge sheet steel, or one-quarter inch or heavier plywood.

(c) If made of wire screen or metal with openings, must reject a one-half inch diameter ball.

NEW SECTION

WAC 296-96-13147 What structural requirements apply to elevator doors? All elevators must have car doors, except on fully enclosed hoistways equipped with hoistway gates and enclosed from the top of the hoistway opening to the ceiling on the landing side.

(1) Car doors must be:

(a) Constructed of solid or perforated material which is capable of resisting a seventy-five pound thrust without deflecting one-quarter inch. If perforated material is used, it must reject a one-inch diameter ball.

(b) Biparting or otherwise horizontally swung provided the door swings within the elevator car.

(c) Equipped with a positive locking latch device that resists a two hundred fifty pound thrust.

(2) Interlocks or a combination consisting of mechanical locks and electric contacts must be provided for all elevators having car doors. An electrical/mechanical interlock must be provided on car gates on elevators in unenclosed hoistways unless a safe means of self-evacuation is provided. Such means must be approved by the department.

NEW SECTION

WAC 296-96-13149 What are the structural requirements for counterweights, counterweight enclosures, and counterweight fastenings? All counterweights must be fully enclosed at landings or at the path of travel.

(1) At the bottom of a counterweight enclosure, there must be an inspection opening large enough to allow the inspection of cable fastenings, counterweight and buffer.

(2) Rectangular shaped counterweights must be secured by at least two and one-half inch mild steel bolts with lock nuts.

(3) Round counterweights must be fastened with a center bolt at least three quarter inch in diameter and secured with a lock nut.

PROPOSED

(4) All bolt eyes must be welded closed.

(5) Cable fastenings shall be by babbitted tapered elevator sockets or other acceptable methods. If cable clamps are used, a minimum of three cable clamps must be provided. U-shaped clamps shall not be acceptable.

NEW SECTION

WAC 296-96-13151 What construction requirements apply to car guide rails? Each electric manlift must be equipped with at least two guide rails. Guide rails must:

(1) Extend at least six inches beyond the maximum travel distance of the car with the buffers compressed.

(2) Be securely fastened to a vertical support for the full length of the elevator's travel.

(3) Be constructed of vertical grain fir, angle iron:

(a) If constructed with vertical grain fir, the rails must be at least one and one-half inch by one and one-half inch and not vary in thickness by more than three-sixteenths inch on brake surfaces.

(b) If constructed with angle iron, the angle iron must be at least one-quarter inch by two inch by two inch.

(4) Be able to resist a two hundred fifty pound horizontal thrust.

(5) Be able to resist more than one-half inch total deflection when the car safety is applied.

NEW SECTION

WAC 296-96-13153 What construction requirements apply to hoisting ropes? There must be at least two hoisting ropes. Each rope must be:

(1) Made of a good grade of elevator traction wire rope;

(2) At least three-eighths inches in diameter and possessing a safety factor of five;

(3) Fastened by babbitted tapered elevator sockets or other acceptable methods. If cable clamps are used, a minimum of three cable clamps must be provided. U-shaped clamps shall not be acceptable.

(4) Long enough so the car platform will be no more than six inches above the top landing when the counterweight buffer is fully compressed, and at least six inches from the counterbalance sheave when the car buffer is fully compressed.

NEW SECTION

WAC 296-96-13155 What are the requirements for a hoistway space? There must not be habitable space below an elevator hoistway or counterweight shaft unless the floor above the space can withstand an impact one hundred twenty-five percent greater than the impact generated by a free falling car or counterweight falling from the full height of the hoistway.

NEW SECTION

WAC 296-96-13157 What requirements apply to car safeties? All cars suspended or operated from overhead machinery must be equipped with an approved car safety

capable of stopping and holding the car while carrying its rated load.

(1) Car safeties must be mechanically operated and not be affected by any interruptions in the electrical circuit.

(2) Car safeties and governor controlled safeties must operate automatically and the control circuit must be broken in the event of cable breakage.

(3) A no-load annual safety test must be performed and a tag with the date and company conducting the test must be attached to the governor with a wire and seal. A safety tag must also be permanently affixed to the inside of the car.

(4) A five-year full load test must be performed and a safety tag with the date and company conducting the test must be permanently attached to the governor with a wire and seal. A safety tag must also be permanently affixed to the inside of the car. Documentation must be submitted to the department.

Qualified people will conduct the test. A qualified person is either:

(a) An elevator mechanic licensed in the appropriate category for the conveyance being tested;

(b) The representative of a firm that manufactured the particular material lift and who holds a current temporary mechanic's license in this state; or

(c) The representative of a firm that manufactured the particular material lift who is working under the direct supervision of an elevator mechanic licensed in the appropriate category for the conveyance being tested.

(5) Separate safety tags must be used to distinguish the no-load annual safety test and the five-year full load test.

NEW SECTION

WAC 296-96-13159 What requirements apply to brakes? All elevators must be equipped with brakes that engage mechanically and release electrically.

(1) Brakes must be located on the final drive of all elevator machines.

(2) The brake activating circuit must be designed so that interruption of power by the slack cable switch, control switch, and limit switches activate the brake.

(3) The brakes must activate under short circuit, phase failure, or reverse phase conditions.

NEW SECTION

WAC 296-96-13161 What requirements apply to car controls and safety devices? (1) Car controls may be automatic push button, constant pressure push button or momentary push button types. **Hand rope and car switch controls must not be used.**

(2) If a car is not equipped with constant pressure push button controls, then it must be equipped with a manually operated emergency stop switch that is clearly marked "emergency stop."

(3) Terminal limiting devices must operate independently of car controls and must automatically stop the car at the top and bottom terminal landings.

(4) All winding drum machine type elevators must be equipped with top and bottom final limit switches.

(5) A manual-reset slack rope device that breaks the circuit to the drive motor and brake must be installed on all winding drum type machines.

(6) All electric manlifts lifts must be equipped with an overspeed governor that must not exceed one hundred seventy-five feet per minute and must deenergize the brake control and motor drive circuits simultaneously when the car safety mechanism is activated.

(7) Car speeds for electric lifts must not exceed one hundred twenty-five feet per minute.

(8) Elevator controls and disconnects must be accessible and marked.

NEW SECTION

WAC 296-96-13167 What requirements apply to elevator driving machines? (1) Elevator machines must be driven by approved-type units.

(a) On direct drive or approved worm gear driven type, a mechanically actuated, electrically released brake must be installed on the driving unit.

(b) On V belt driven types, a minimum of four belts, one-half inch minimum size, must be used to transmit power from the motor to the drive shaft and a mechanically activated, electrically released brake must be installed on the final drive shaft.

(2) Wherever practical, elevator machines must be installed on the top side of the supporting structure.

(3) All components of the driving mechanism and parts subject to stress involved in suspending the load or related equipment must be designed to withstand eight times the total weight to be suspended, including load, counterweight, car and cables.

(4) Gears must be made of steel or equivalent material. Cast iron gears are prohibited.

(5) A working platform, with railings complying with the applicable requirements adopted according to chapter 49.17 RCW, shall be provided to allow for safely working on equipment.

(6) A light with a switch must be located near the elevator driving machine or the machinery space.

(7) A means to lockout/tagout the elevator equipment must be located near the elevator driving machine or the machinery space.

(8) The elevator machinery shall be protected from the weather.

(9) All sheaves must be appropriately guarded per the requirements adopted according to chapter 49.17 RCW.

(10) Changes based on the requirement found in subsections (5) through (9) of this section must be completed within two years of the effective date of these rules.

NEW SECTION

WAC 296-96-13169 What requirements apply to car and counterweight buffers? (1) All elevator cars must be equipped with adequate car buffers.

(2) All elevators using counterweights must be equipped with adequate counterweight buffers.

NEW SECTION

WAC 296-96-13171 What other requirements apply to electric manlifts? (1) Adequate lighting must be provided at each landing and in the shaftway.

(2) A sign bearing the following information must be posted in a conspicuous place within the car:

(a) Total load limit in pounds;

(b) "Maximum capacity-one person"; and

(c) "For authorized personnel use only."

(3) A properly working fire extinguisher must be present in each car.

(4) For purposes of this section "adequate lighting" means five-foot candles.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-14045 What construction specifications apply to hoistway cars? (1) The car must be built to the following specifications:

(a) The car platform must be no greater than 30 inches on either side (6.25 square feet area).

(b) The car frame and platform must be of steel or sound seasoned wood construction and be designed with a safety factor of not less than 4 for metal and 6 for wood, based on a maximum capacity of 250 pounds.

(c) All frame members must be securely bolted, riveted or welded and braced. If bolted, lock washers or lock nuts must be used.

(d) Where wooden frame members are bolted, large washers or metal plates must be used to minimize the possibility of splitting or cracking the wood.

(2) The sides of the car must be enclosed by a minimum of 2 safety guard rails with the top rail not less than 36 inches nor more than 42 inches from the car floor. Rails must sustain a horizontal thrust of 250 pounds. If solid material is used, it must be smooth surfaced and not less than 1/2 inch thickness, if wood; not less than 16 gauge thickness, if steel; and must be constructed from the car floor to a height of not less than 3 feet.

(a) Where the hoistway is not enclosed on the entrance side of the car, a self-locking or drop bar gate must be provided. The car gate may be of the folding type, horizontally swung, provided it swings into the car enclosure. Drop bar gates must be of two bar construction, parallelogram type, and conform to requirements specified for car guard rails.

(b) The car gate must drop into locking slots or be provided with a positive locking type latch capable of withstanding 250 pounds horizontal thrust.

(3) Every car must have a substantial protective top. The front half may be hinged. The protective top may be made from No. 9 U.S. wire gauge screen, No. 11 gauge expanded metal, No. 14 gauge sheet steel, 3/4 inch or heavier plywood. If made of wire screen or metal, the openings must reject a 1/2 inch diameter ball.

(4) Every car must have a proper rack to hold the balance weights. Weights must be contained in the proper rack when the car is in motion.

(5) A sign bearing the following information must be conspicuously posted within the car:

- (a) Total load limit in pounds;
- (b) "Maximum capacity one person"; and
- (c) "For authorized personnel use only."
- (6) Every car must be equipped with a spring loaded foot brake which:
- (a) Operates independently of the car safeties;
- (b) Operates in both directions and will stop and hold the car and its load; and
- (c) Locks the car in its position automatically whenever the operator releases the pressure on the foot pedal.
- (7) Every car must be equipped with a car safety device which:
- (a) Applies to the sides of the main guide rails; and
- (b) Stops and holds the car and its load immediately when the hoisting rope breaks.
- (8) Every car must have a minimum clearance of 6 feet 6 inches from the top of the car platform to the bottom edge of the crosshead or any other obstruction.
- (9) A tool box with minimum dimensions of 4 inches long by 3 inches deep must be provided and firmly attached to the car structure.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-14060 What requirements apply to hoisting ropes? (1) Hoisting ropes must be of good grade traction elevator wire rope and must:

- (a) Be not less than 3/8 inch in diameter((:)).
- (b) Provide a safety factor of 5 based on the maximum weight supported((:)).
- (c) Be of sufficient length to prevent the counterweight from striking the overhead structure when car is at the bottom, and prevent the car from striking the overhead before the counterweight is at its lower limit of travel((:)).
- (d) ~~((Be fastened at each end by at least 3 or more clamps, with the "U" of the clamp bearing on the dead end of the rope, and))~~ Cable fastenings shall be by babbitted tapered elevator sockets or other acceptable methods approved by the department. If cable clamps are used, a minimum of three cable clamps must be provided. U-shaped clamps shall not be acceptable.
- (e) Where passed around a metal or other object less than three times the diameter of the cable, have a thimble of the correct size inserted in the eye.

(2) Approved sockets or fittings with the wire properly turned back and babbitted may be used in place of clamps noted in subsection (1)(d) of this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-14070 Where must hoistway lights be located? Adequate lighting must be installed and operating at each landing and in the shaftway.

For purposes of this section "adequate lighting" means five-foot candles.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-14080 What additional requirements apply to the installation and operation of hand powered manlifts? (1) Only employees and other authorized personnel may ride in a lift car.

(2) Escape ladders must be installed extending the full length of the hoistway and must be located in a position so that in an emergency a person can safely transfer from the car platform to the ladder. Transfer is considered safe when a person can maintain three points of contact while making the transfer. An "IMPAIRED CLEARANCE" sign must be posted at the bottom of a ladder when the face of the ladder is less than 30 inches from any structure.

(3) An automatic safety device which will prevent the car from leaving the landing until manually released by the operator must be installed at the bottom landing.

(4) A fire extinguisher in proper working condition must be available in the car.

(5) A five-year full load test must be performed and a tag indicating the date and the company conducting the test must be permanently attached with a wire and a seal. Documentation of the test submitted to the department. Manlifts with wooden rails must ~~((perform))~~ have a no-load drop test performed on the equipment.

Qualified people will conduct the test. A qualified person is either:

(a) An elevator mechanic licensed in the appropriate category for the conveyance being tested;

(b) The representative of a firm that manufactured the particular material lift and who holds a current temporary mechanic's license in this state; or

(c) The representative of a firm that manufactured the particular material lift who is working under the direct supervision of an elevator mechanic licensed in the appropriate category for the conveyance being tested.

(6) ~~((An annual))~~ A no load annual safety test must be performed and a tag ((with)) indicating the date and company conducting the test must be attached to the conveyance with a wire and seal. A safety tag must also be permanently affixed to the inside of the car.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-16040 What requirements apply to the location of electrical wiring, pipes and ducts in hoistways and machine rooms? (1) Only electrical wiring raceways and cables directly related to an elevator's operation may be installed inside the hoistway.

(2) Pipes or ducts that convey gases, vapors, or liquids and are not used in connection with the elevator must not be installed in any hoistway, machine room, or machinery space.

(3) Machinery and sheave beams, supports, and foundations must comply with the American Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks A17.1, Section ~~((105))~~ 2.9.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-16150 What is the load capacity of a casket lift car? (1) Driving machines, car and counterweight suspension mechanisms, and overhead beams and supports must be able to sustain a car with a structural load capacity based upon its inside net platform area as shown in American Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks A17.1, Table ((207-1)) 216.1.

(2) A metal plate which gives the rated load in letters and figures not less than 1/4 inch high stamped, etched or raised on the surface of the plate must be fastened in a conspicuous place in the car.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23100 Are keys required to be on-site? Yes. The keys to the machine room and the keys that are necessary to operate the elevator must be ~~((readily available to authorized personnel.~~

note: The department recommends the use of) located in a locked key retainer box in the elevator lobby ((at the designated level above the hall buttons or by machine room doors at no more than 6 feet above the floor. This)); or located by machine room doors at no more than six feet above the floor, provided access to the key box doesn't require passage through locked doors. The key retainer box ((should)) must be:

- Readily accessible to authorized personnel;
- Clearly labeled "Elevator"; and
- Equipped with a 1-inch cylinder cam lock key #39504. ~~((The department)) Further ((recommends that)):~~
 - Keys for access to elevator machine rooms and for operating elevator equipment ~~((are))~~ must be tagged and kept in the key box.
 - The key box must contain((s)) all keys necessary for inspections of the elevator.
 - Mechanical hoistway access devices ~~((are))~~ must be kept in the key box or machine room.

The department may approve existing retainer boxes provided they are:

- Readily accessible to authorized personnel;
- Clearly labeled "elevator"; and
- The lock must be either a 1-inch cylinder cam lock key #39504 or a combination lock. The combination for the lock must be on record with the department.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23101 What is the scope of Subpart I? (1) Subpart I, Hoistways and Related Construction for Electric and Hydraulic Elevators, is the minimum standard for all existing hydraulic and electric elevators. It applies to other equipment only as referenced in the applicable part.

(2) This subpart does not apply to elevators located in grain terminals, residential elevators, or special purpose elevators.

NEW SECTION

WAC 296-96-23117 What requirements apply to top of car railings for traction elevators? A standard railing must be installed on the top of all traction elevators where the perpendicular distance between the edges of the car top and the adjacent hoistway enclosure exceeds twelve inches horizontal clearance. The railing shall be substantially constructed of metal and shall consist of a top rail, intermediate rail and post. The top rail shall have a smooth surface and the upper surface shall be located at a vertical height of forty-two inches. The intermediate rail shall be located approximately halfway between the top rail and the car top. There must be a minimum of six inches of clearance above the top rail when the car is at its furthest point of travel on inspection mode.

NEW SECTION

WAC 296-96-23118 What requirements apply to top of car railings for hydraulic elevators in unenclosed hoistways? A standard railing must be installed on the top of hydraulic elevators installed in unenclosed hoistways. The railing shall be substantially constructed of metal and shall consist of a top rail, intermediate rail and post. The top rail shall have a smooth surface and, where practical, the upper surface shall be located at a vertical height of forty-two inches. The intermediate rail shall be located approximately halfway between the top rail and the car top. There must be a minimum of six inches of clearance above the top rail when the car is at its furthest point of travel on inspection mode.

NEW SECTION

WAC 296-96-23119 What signage requirements apply to traction elevators with minimal overhead clearance? Traction elevators that do not have a minimum of twenty-four inches of clearance from the crosshead, or any equipment mounted on the crosshead, to the lowest member of the overhead structure in the hoistway when the car has reached its maximum upward movement must have signage. A sign must be located near the top of car inspection station. An additional sign must be posted on the hoistway wall. This sign must be visible when accessing the car top. The sign shall consist of alternating four-inch diagonal red and white stripes and must clearly state "danger low clearance" in lettering not less than four inches in height.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23151 What requirements apply to hoistway door closing devices? (1) Horizontally sliding doors on automatic-operation elevators must be equipped with door closers that automatically close an open door if the car for any reason leaves the landing zone.

(2) Horizontal swinging single or center-opening doors on automatic-operation elevators must be self-closing.

(3) Door closers are not required for the swinging portion of combination horizontally sliding and swinging doors.

(4) On center-opening doors that utilize relating cables if the cabling fails or when the cabling is replaced a method

shall be provided to ensure that both doors automatically close if the car for any reason leaves the landing zone.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23240 What is the minimum rated load for passenger elevators? The rated load in pounds for passenger elevators must be based on the inside net platform areas and must be not less than shown in the table below. The inside net platform areas must be determined as shown in ~~((Table 3-7.1))~~ the table below which shows the maximum inside net platform areas for the various common rated loads. If other rated loads are used, they must be at least the following:

- (1) For an elevator with an inside net platform area of no more than 50 feet squared, $W = 0.667A \text{ squared} + 66.7A$.
- (2) For an elevator with an inside net platform area of more than 50 feet squared, $W = 0.0467A \text{ squared} + 125A - 1367$.

NOTE: A = inside net platform area, ft. squared
W = minimum rated load, lb.

MAXIMUM* INSIDE NET PLATFORM AREAS FOR THE VARIOUS RATED LOADS			
Rated Load, lb.	Inside Net Platform Area, ft ²	Rated Load, lb.	Inside Net Platform Area, ft ²
500	7.0	5,000	50.0
600	8.3	6,000	57.7
700	9.6	7,000	65.3
1,000	13.25	8,000	72.9
1,200	15.6	9,000	80.5
1,500	18.9	10,000	88.0
1,800	22.1	12,000	103.0
2,000	24.2	15,000	125.1
2,500	29.1	18,000	146.9
3,000	33.7	20,000	161.2
3,500	38.0	25,000	196.5
4,000	42.2	30,000	231.0
4,500	46.2		

*To allow for variations in cab designs, an increase in the maximum inside net platform area not exceeding 5% will be permitted for the various rated loads.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23270 What requirements apply to car top operating devices? (1) Elevators with automatic or continuous-pressure operation must have a continuous-pressure button operating switch mounted on the car top for the purpose of operating the car solely from the top of the car. The device must operate the car at a speed not exceeding 150 feet per minute.

(2) The means for transferring the control of the elevator to the top-of-car operating device must be on the car top and located between the car crosshead and the side of the car nearest the hoistway entrance normally used for access to the car top.

(3) A top of car operating station must be installed on all existing elevators which have more than fifteen feet of travel.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23287 What requirements apply to suspension rope equalizers? Suspension rope equalizers, where provided, must be of the individual-compression spring type.

Equalizers of other types may be used with traction elevators provided the equalizers and fastenings are approved by the authority having jurisdiction on the basis of adequate tensile and fatigue tests made by a qualified laboratory. Such tests must show the ultimate strength of the equalizer and its fastenings in its several parts and assembly, which must be no less than 10 percent in excess of the strength of suspension ropes, provided that equalizers of the single-bar type, or springs in tension, must not be used to attach suspension ropes to cars or counterweights or to dead-end hitch plates.

EXCEPTION: The requirements of this section do not apply to rope equalizers that meet Rule 2.20.5 in ASME A17.1-2000.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23610 What requirements apply to routine periodic inspections and tests? The owner or the owner's agent must ensure that her/his conveyances are inspected and tested periodically by a person qualified to perform such services ~~(, and a report indicating the date of inspection with all pertinent data included must be posted in the machine room unless otherwise specified in ASME A17.1, Part X.~~

The inspection and tests must be in compliance with the following sections of ASME A17.1, Part X:

- ~~(a) Section 1000, Rule 1000.1, Rule 1000.2, Rule 1000.3;~~
- ~~(b) Section 1001, Rule 1001.1, Rule 1001.2;~~
- ~~(c) Section 1002, Rule 1002.1, Rule 1002.2, Rule 1002.3;~~
- ~~(d) Section 1004, Rule 1004.2;~~
- ~~(e) Section 1005, Rule 1005.1, Rule 1005.2, Rule 1005.3, Rule 1005.4;~~
- ~~(f) Section 1007, Rule 1007.2;~~
- ~~(g) Section 1008, Rule 1008.1, Rule 1008.2; and~~
- ~~(h) Section 1010, Rule 1010.1, Rule 1010.2, Rule 1010.3, Rule 1010.4, Rule 1010.5, Rule 1010.6, Rule 1010.7).~~

All conveyances must be tested to the applicable code(s) by an elevator mechanic licensed in the appropriate category for the conveyance being tested.

(1) For annual testing of electric, hydraulic, and roped hydraulic elevators, a log indicating the date of testing with all pertinent data included must be posted in the machine room. The log must be completed by the qualified person performing the test.

PROPOSED

Note: The fire service and smoke detector testing may be performed and logged by the building owner.

(2)(a) For five-year testing of electric, hydraulic and roped hydraulic elevators a full load safety test must be performed with weights.

(b) For roped hydraulic elevators a static load test with the full load on the car must also be performed.

(c) For tests administered under this subsection:

(i) A log indicating the date of testing with all pertinent data included must be posted in the machine room. The log must be completed by the licensed elevator mechanic performing the test.

(ii) A safety tag with the date and company conducting the test must be permanently attached to the governor, safeties, and the rupture valves with a wire and seal.

(iii) Documentation must be submitted to the department.

Note: Separate safety tags must be used to distinguish the no-load annual safety test and the five-year full load test.

(d) Qualified people will conduct the test. A qualified person is either:

(i) An elevator mechanic licensed in the appropriate category for the conveyance being tested;

(ii) The representative of a firm that manufactured the particular material lift, and who holds a current temporary mechanic's license in this state; or

(iii) The representative of a firm that manufactured the particular material lift who is working under the direct supervision of an elevator mechanic licensed in the appropriate category for the conveyance being tested.

Escalators shall be tested and cleaned annually. Upon completion of this work, the appropriate form indicating that the work was done must be submitted to the department.

(3) All other conveyances requiring annual testing must have tags indicating the date and the name of the company who performed the test. When the required location for mounting the tag is not readily accessible, the tag may be mounted on the main line disconnect.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-96-01080	How do you appeal a notice of violation?
WAC 296-96-02365	What is required for physically handicapped lifts?
WAC 296-96-11000	What regulations apply to belt manlifts after 1974?

**WSR 04-08-088
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed April 6, 2004, 12:34 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-15-116.

Title of Rule: Electrical safety standards, administration, and installation, chapter 296-46B WAC.

Purpose: The purpose of this rule making is to:

- Make changes to the electrical rules in response to the following legislation that passed in the 2003 legislative session:
 - Chapter 399, Laws of 2003 (ESSB 5713)
 - Chapter 211, Laws of 2003 (ESB 5210)
 - Chapter 78, Laws of 2003 (SHB 1848)
 - Chapter 242, Laws of 2003 (SHB 5434)
- Make necessary changes to reflect current department practices.
- Make necessary housekeeping changes.
- Increase the fees by the fiscal growth factor of 3.2% which is the maximum allowable amount established by the Office of Financial Management.
- Make substantive and clarifying changes based on recommendations from stakeholder groups and the Electrical Board.

Statutory Authority for Adoption: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, chapter 399, Laws of 2003 (ESSB 5713); chapter 211, Laws of 2003 (ESB 5210); chapter 78, Laws of 2003 (SHB 1848); and chapter 242, Laws of 2003 (SHB 5434).

Statute Being Implemented: Chapter 19.28 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Ron Fuller, Tumwater, (360) 902-5249; Implementation and Enforcement: Patrick Woods, Tumwater, (360) 902-6348.

Name of Proponent: Department of Labor and Industries, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has considered whether these proposed rules are subject to the Regulatory Fairness Act and has determined that they do not require a small business economic impact statement because the costs associated with the proposed changes are exempted by law (see RCW 19.85.025 referencing RCW 34.05.310(4)) from the small business economic impact requirements and/or do not impose a more than minor economic impact on business.

PROPOSED

RCW 34.05.328 does not apply to this rule adoption. Significant rule-making criteria do not apply to these rule changes because the exempt criteria outlined in RCW 34.05.328(5) were met.

Hearing Location: Department of Labor and Industries Building, 901 North Monroe Street, Suite 100, Spokane, WA, on May 11, 2004, at 11:00 a.m.; and at the Department of Labor and Industries Building, S 117, 7273 Linderson Way S.W., Tumwater, WA, on May 12, 2004, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Christine Swanson by May 3, 2004, at (360) 902-6411 or copc235@lni.wa.gov for special assistance/accommodation needs.

Submit Written Comments to: Christine Swanson, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, e-mail copc235@lni.wa.gov, fax (360) 902-5292, by May 12, 2004. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: May 18, 2004.

April 6, 2004

Paul Trause

Director

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-010 General. Adopted standards - inspectors - city inspection - variance.

(1) The 2002 edition of the National Electrical Code (NFPA 70 - 2002) including Annex A, B, and C, but excluding Article 80; the 1999 edition of Centrifugal Fire Pumps (NFPA 20 - 1999); the 2002 edition of Emergency and Standby Power Systems (NFPA 110 - 2002); Commercial Building Telecommunications Cabling Standard (ANSI/TIA/EIA 568-B.1-May 2001 including Annex 1 through 5); Commercial Building Standard for Telecommunications Pathway and Spaces (ANSI/TIA/EIA 569-A-December 2001 including Annex 1 through 4); Commercial Building Grounding and Bonding Requirements for Telecommunications (ANSI/TIA/EIA 607 - 1994); Residential Telecommunications Cable Standard (ANSI/TIA/EIA 570-A-1999); and the National Electrical Safety Code (NESC C2-2002 excluding Appendixes A and B) are hereby adopted by reference as part of this chapter. Other codes, manuals, and reference works referred to in this chapter are available for inspection and review in the Olympia office of the electrical section of the department during business hours.

The requirements of this chapter will be observed where there is any conflict between this chapter and the National Electrical Code (NFPA 70), Centrifugal Fire Pumps (NFPA 20), the Emergency and Standby Power Systems (NFPA 110), ANSI/TIA/EIA 568-A, ANSI/TIA/EIA 569-A, ANSI/TIA/EIA 607, ANSI/TIA/EIA 570, or the NESC C2-2002.

The National Electrical Code will be followed where there is any conflict between Centrifugal Fire Pumps (NFPA 20), Emergency and Standby Power Systems (NFPA 110), ANSI/TIA/EIA 568-A, ANSI/TIA/EIA 569-A, ANSI/TIA/EIA 607, ANSI/TIA/EIA 570, or the NESC C2-2002 and the National Electrical Code (NFPA 70).

(2) Electrical inspectors will give information as to the interpretation or application of the standards in this chapter, but will not lay out work or act as consultants for contractors, owners, or users.

(3) The department may enforce city electrical ordinances where those governmental agencies do not make electrical inspections under an established program.

(4) A variance from the electrical installation requirements of chapter 19.28 RCW or this chapter may be granted by the department when it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

(a) Any electrical permit holder may request a variance.

(b) The permit holder must make the request in writing, using a form provided by the department, to the chief electrical inspector. The request must include:

(i) A description of the installation as installed or proposed;

(ii) A detailed list of the applicable code violations;

(iii) A detailed list of safety violations;

(iv) A description of the proposal for meeting equivalent objectives for code and/or safety violations; and

(v) Appropriate variance application fee as listed in WAC 296-46B-905.

Inspection.

(5) Electrical wiring or equipment subject to this chapter must be sufficiently accessible, at the time of inspection, to permit the inspector to visually inspect the installation to verify conformance with the NEC and any other electrical requirements of this chapter.

(6) Cables or raceways, fished according to the NEC, do not require visual inspection.

(7) Wires pulled into conduit systems are not considered concealed. All required equipment grounding conductors installed in concealed raceway, cable, or flexible conduit systems must be completely installed and made up at the time of the rough-in cover inspection.

(8) The installation of all structural elements and mechanical systems (e.g., framing, plumbing, ducting, etc.) must be complete in the area(s) where electrical inspection is requested. Prior to completion of an exterior wall cover inspection, either:

(a) The exterior shear panel/sheathing nail inspection must be completed by the building code inspector; or

(b) All wiring and device boxes must be a minimum of 63 mm (2 1/2") from the exterior surface of the framing member; or

(c) All wiring and device boxes must be protected by a steel plate a minimum of 1.6 mm (1/16") thick and of appropriate width and height installed to cover the area of the wiring or box.

(9) In order to meet the minimum electrical safety standards for installations, all materials, devices, appliances, and equipment, not exempted in chapter 19.28 RCW, must conform to applicable standards recognized by the department, be listed, or field evaluated. Other than as allowed in WAC 296-46B-030(3), equipment must not be energized until such standards are met unless specific permission has been granted by the chief electrical inspector.

(10) The department will recognize the state department of transportation as the inspection authority for telecommunications systems installation within the rights of way of state highways provided the department of transportation maintains and enforces an equal, higher or better standard of construction and of materials, devices, appliances and equipment than is required for telecommunications systems installations by chapter 19.28 RCW and this chapter.

Inspection - move on buildings and structures.

(11) All buildings or structures relocated into or within the state:

(a) Other than residential, wired inside the United States (U.S.) must be inspected to ensure compliance with current requirements of chapter 19.28 RCW and the rules developed by the department.

(b) Wired outside the U.S. or Canada must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department.

(12) Residential buildings or structures wired in the U.S., to NEC requirements, and moved into or within a county, city, or town must be inspected to ensure compliance with the NEC requirements in effect at the time and place the original wiring was made. The building or structure must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department if:

(a) The original occupancy classification of the building or structure is changed as a result of the move; or

(b) The building or structure has been substantially remodeled or rehabilitated as a result of the move.

(13) Residential buildings or structures wired in Canada to Canadian Electrical Code (CEC) standards and moved into or within a county, city, or town, must be inspected to ensure compliance with the following minimum safety requirements:

(a) Service, service grounding, and service bonding must comply with the current chapter 19.28 RCW and rules adopted by the department.

(b) Canadian Standards Association (CSA) listed Type NMD cable is allowed with the following qualifications:

(i) CSA listed Type NMD cable, American Wire Gauge #10 and smaller installed after 1964 utilizing an equipment grounding conductor smaller than the phase conductors, must be:

(A) Replaced with a cable utilizing a full-size equipment grounding conductor; or

(B) Protected by a ground fault circuit interrupter protection device.

(ii) CSA listed Type NMD cable, #8 AWG and larger, must:

(A) Utilize an equipment grounding conductor sized according to the requirements of the NEC in effect at the time of the installation;

(B) Be protected by a ground fault circuit interrupter protection device; or

(C) Be replaced.

(c) Other types of wiring and cable must be:

(i) Replaced with wiring listed or field evaluated in accordance with U.S. standards by a laboratory approved by the department; or

(ii) Protected by a ground fault circuit interrupter protection device and arc fault circuit protection device.

(d) Equipment, other than wiring or panelboards, manufactured and installed prior to 1997 must be listed and identified by laboratory labels approved by the department or CSA labels.

(e) All panelboards must be listed and identified by testing laboratory labels approved by the department with the following qualifications:

(i) CSA listed panelboards labeled "Suitable for Use as Service Equipment" will be considered to be approved as "Suitable for Use only as Service Equipment."

(ii) CSA listed panelboards must be limited to a maximum of 42 circuits.

(iii) CSA listed panelboards used as lighting and appliance panelboards as described in the NEC, must meet all current requirements of the NEC and this chapter.

(f) Any wiring or panelboards replaced or changed as a result of the move must meet current requirements of chapter 19.28 RCW and this chapter.

(g) The location, type, and ground fault circuit interrupter protection of receptacles and equipment in a bathroom, kitchen, basement, garage, or outdoor area must meet the Washington requirements in effect at the time the wiring was installed.

(h) 4, 15-ampere, kitchen small appliance circuits will be accepted in lieu of 2, 20-ampere, kitchen small appliance circuits. Receptacles will not be required to be added on kitchen peninsular or island counters.

(i) Spacing requirements for all other receptacles must meet the Washington requirements in effect at the time the wiring was installed.

(j) Receptacles installed above baseboard or fixed wall space heaters must be removed and the outlet box covered with a blank cover. The receptacle is required to be relocated as closely as possible to the existing location.

(k) Lighting outlet and switch locations must meet the Washington requirements in effect at the time the wiring was installed.

(l) Dedicated 20-ampere small appliance circuits are not required in dining rooms.

(m) Electric water heater branch circuits must be adequate for the load.

(n) The location, type, and circuit protection of feeders must meet the Washington requirements in effect at the time the wiring was installed.

Classification or definition of occupancies.

(14) Occupancies are classified and defined as follows:

(a) Educational facility refers to a building or portion of a building used primarily for educational purposes by six or more persons at one time for twelve hours per week or four hours in any one day. Educational occupancy includes: Schools (preschool through grade twelve), colleges, academies, universities, and trade schools.

(b) Institutional facility refers to a building or portion of a building used primarily for detention and correctional occupancies where some degree of restraint or security is required. Such occupancies include, but are not restricted to: Penal institutions, reformatories, jails, detention centers, correctional centers, and residential-restrained care.

(c) Health or personal care facility. Health or personal care facility refers to buildings or parts of buildings that contain, but are not limited to, facilities that are required to be licensed by the department of social and health services or the department of health (e.g., hospitals, nursing homes, private alcoholism hospitals, private psychiatric hospitals, boarding homes, alcoholism treatment facilities, maternity homes, birth centers or childbirth centers, residential treatment facilities for psychiatrically impaired children and youths, and renal hemodialysis clinics) and medical, dental or chiropractic offices or clinics, outpatient or ambulatory surgical clinics, and such other health care occupancies where patients who may be unable to provide for their own needs and safety without the assistance of another person are treated.

(i) "Hospital" means any institution, place, building, or agency providing accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis.

(ii) "Nursing home," "nursing home unit" or "long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

(iii) "Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing board and domiciliary care to seven or more aged persons not related by blood or marriage to the operator. It must not include any home, institution, or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution, or section thereof.

(iv) "Private alcoholism hospital" means an institution, facility, building, or equivalent designed, organized, maintained, and operated to provide diagnosis, treatment, and care of individuals demonstrating signs or symptoms of alcoholism, including the complications of associated substance use and other medical diseases that can be appropriately treated and cared for in the facility and providing accommodations, medical services, and other necessary services over a continuous period of twenty-four hours or more for two or more individuals unrelated to the operator, provided that this chapter will not apply to any facility, agency, or other entity which is owned and operated by a public or governmental body.

(v) "Alcoholism treatment facility" means a private place or establishment, other than a licensed hospital, operated primarily for the treatment of alcoholism.

(vi) "Private psychiatric hospital" means a privately owned and operated establishment or institution which: Provides accommodations and services over a continuous period of twenty-four hours or more, and is expressly and exclusively for observing, diagnosing, or caring for two or more individuals with signs or symptoms of mental illness, who are not related to the licensee.

(vii) "Maternity home" means any home, place, hospital, or institution in which facilities are maintained for the care of four or more women, not related by blood or marriage to the operator, during pregnancy or during or within ten days after delivery: Provided, however, that this definition will not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association or its successor.

(viii) "Birth center" or "childbirth center" means a type of maternity home which is a house, building, or equivalent organized to provide facilities and staff to support a birth service, provided that the birth service is limited to low-risk maternal clients during the intrapartum period.

(ix) "Ambulatory surgical facility" means a facility, not a part of a hospital, providing surgical treatment to patients not requiring inpatient care in a hospital. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using such facility is not extended to physicians or dentists outside the individual or group practice. (NEC; Ambulatory Health Care Center.)

(x) "Hospice care center" means any building, facility, place, or equivalent, organized, maintained, and operated specifically to provide beds, accommodations, facilities, and services over a continuous period of twenty-four hours or more for palliative care of two or more individuals, not related to the operator, who are diagnosed as being in the latter stages of an advanced disease which is expected to lead to death.

(xi) "Renal hemodialysis clinic" means a facility in a building or part of a building which is approved to furnish the full spectrum of diagnostic, therapeutic, and rehabilitative services required for the care of renal dialysis patients (including inpatient dialysis furnished directly or under arrangement). (NEC; Ambulatory Health Care Center.)

(xii) "Medical, dental, and chiropractic clinic" means any clinic or physicians' office where patients are not regularly kept as bed patients for twenty-four hours or more. Electrical plan review not required.

(xiii) "Residential treatment facility for psychiatrically impaired children and youth" means a residence, place, or facility designed and organized to provide twenty-four-hour residential care and long-term individualized, active treatment for clients who have been diagnosed or evaluated as psychiatrically impaired.

(xiv) "Adult residential rehabilitation center" means a residence, place, or facility designed and organized primarily to provide twenty-four-hour residential care, crisis and short-term care and/or long-term individualized active treatment and rehabilitation for clients diagnosed or evaluated as psychiatrically impaired or chronically mentally ill as defined herein or in chapter 71.24 RCW.

(xv) "Group care facility" means a facility other than a foster-family home maintained and operated for the care of a group of children on a twenty-four-hour basis.

(d) Licensed day care centers.

(i) "Child day care center" means a facility providing regularly scheduled care for a group of children one month of age through twelve years of age for periods less than twenty-four hours; except, a program meeting the definition of a

family child care home will not be licensed as a day care center without meeting the requirements of WAC 388-150-020(5).

(ii) "School-age child care center" means a program operating in a facility other than a private residence accountable for school-age children when school is not in session. The facility must meet department of licensing requirements and provide adult supervised care and a variety of developmentally appropriate activities.

(iii) "Family child day care home" means the same as "family child care home" and "a child day care facility" licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home. Electrical plan review not required.

Plan review for educational, institutional or health care facilities and other buildings.

(15) Plan review is a part of the electrical inspection process; its primary purpose is to determine:

(a) That loads (~~(-conductors, and equipment))~~ and service/feeder conductors are calculated and sized according to the proper NEC or WAC article or section;

(b) The classification of hazardous locations; and

(c) The proper design of emergency and standby systems.

(16) All electrical plans for new or altered electrical installations in educational, institutional, and health or personal care occupancies classified or defined in this chapter must be reviewed and approved before the electrical installation or alteration is started. Approved plans must be available on the job site for use during the electrical installation or alteration and for use by the electrical inspector. Plans are not required to be on the job site for a preliminary electrical (~~underground conduit installation~~) inspection if:

(a) Completed electrical plans have been submitted and conditionally accepted by the department for review; and

(b) The permit holder has requested the inspection in writing to the department (~~(-Preliminary underground conduit installation))~~ noting that the preliminary electrical inspection is conditional and subject to any changes required from the plan review process. No other inspections will be allowed until the department has approved all submitted plans and the approved plans are on the job site.

(17) All electrical plans for educational facilities, hospitals and nursing homes must be prepared by, or under the direction of, a consulting electrical engineer registered under chapter 18.43 RCW, and chapters 246B-320, 180-29, and 388-97 WAC and stamped with the engineer's mark and signature.

(18) Plans for these electrical installations within cities that perform electrical inspections within their jurisdiction, and provide an electrical plan review program that equals or exceeds the department's program in plans examiner minimum qualifications per chapter 19.28 RCW, must be submitted to that city for review rather than to the department, unless the agency licensing or regulating the installation specifically requires review by the department.

(19) Refer plans for department review to the Electrical Section, Department of Labor and Industries, P.O. Box 44460, Olympia, Washington 98504-4460.

(20) Plans to be reviewed by the department must be legible, identify the name and classification of the facility, clearly indicate the scope and nature of the installation and the person or firm responsible for the electrical plans. The plans must clearly show the electrical installation or alteration in floor plan view, include switchboard and/or panelboard schedules and when a service or feeder is to be installed or altered, must include a riser diagram, load calculation, fault current calculation and interrupting rating of equipment. Where existing electrical systems are to supply additional loads, the plans must include documentation that proves adequate capacity and ratings. The plans must be submitted with a plan review submittal form available from the department. Plan review fees are not required to be paid until the review is completed. Plans will not be returned until all fees are paid.

(21) Plan review for new or altered electrical installations of other types of construction may be voluntarily requested by the owner or electrical contractor.

(22) For existing structures where additions or alterations to feeders and services are proposed, Article 220.35(1) NEC may be used. If Article 220.35(1) NEC is used, the following is required:

(a) The date of the measurements.

(b) A statement attesting to the validity of the demand data, signed by a professional electrical engineer or the electrical administrator of the electrical contractor performing the work.

(c) A diagram of the electrical system identifying the point(s) of measurement.

(d) Building demand measured continuously on the highest-loaded phase of the feeder or service over a thirty-day period, with demand peak clearly identified. (Demand peak is defined as the maximum average demand over a fifteen-minute interval.)

(23) Due to their minimal load requirements, plan review of the following limited energy systems will not be required: Fire alarm, nurse call, intrusion or security alarm, intercom, public address, music, energy management, programmed clock, or telecommunications.

(24) When the service or feeder load calculation is affected five percent or less by the addition or alteration of five or less branch circuits, plan review for the branch circuits may be requested from the department's local inspection office. Permission for such small project plan review may be granted at the discretion of the electrical inspection field supervisor, the plans examiner supervisor, or the chief electrical inspector.

Wiring methods for designated building occupancies.

(25) Wiring methods, equipment and devices for health or personal care, educational and institutional facilities as defined or classified in this chapter and for places of assembly for one hundred or more persons must comply with Tables 010-1 and 010-2 of this chapter and the notes thereto. The local building authority will determine the occupant load of places of assembly.

PROPOSED

(26) Listed tamper-resistant receptacles or listed tamper-resistant receptacle cover plates are required in all licensed day care centers, all licensed children group care facilities and psychiatric patient care facilities where accessible to children five years of age and under. Listed tamper-resistant receptacles are required in psychiatric patient care facilities where accessible to psychiatric patients over five years of age.

Notes to Tables 010-1 and 010-2.

1. Wiring methods in accordance with the NEC unless otherwise noted.
2. Metallic or nonmetallic raceways, MI, MC, or AC cable, except that metallic raceway or cable is required in places of assembly.
3. Limited energy system may use wiring methods in accordance with the NEC.

Table 010-1 Health or Personal Care Facilities

Health or Personal Care Facility Type ⁽¹⁾	Plan Review Required
Hospital	YES
Nursing home unit or long-term care unit	YES
Boarding home or assisted living facility	YES
Private alcoholism hospital	YES
Alcoholism treatment facility	YES
Private psychiatric hospital	YES
Maternity home	YES
Birth center or childbirth center	NO
Ambulatory surgery facility	YES
Hospice care center	NO
Renal hemodialysis clinic	YES
Medical, dental, and chiropractic clinic	NO
Residential treatment facility for psychiatrically impaired children and youth	YES
Adult residential rehabilitation center	YES
Group care facility	NO

Table 010-2 Educational and Institutional Facilities, Places of Assembly or Other Facilities

Educational, Institutional or Other Facility Type	Plan Review Required
Educational ⁽²⁾⁽³⁾	YES
Institutional ⁽²⁾⁽³⁾	YES
Places of assembly for 100 or more persons ⁽¹⁾	NO
Child day care center ⁽¹⁾	NO
School-age child care center ⁽¹⁾	NO

Table 010-2 Educational and Institutional Facilities, Places of Assembly or Other Facilities

Family child day care home, family child care home, or child day care facility ⁽¹⁾	NO
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AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-020 General definitions. (1) All definitions listed in the National Electrical Code and chapter 19.28 RCW are recognized in this chapter unless other specific definitions are given in this chapter.

(2) **"Accreditation"** is a determination by the department that a laboratory meets the requirements of this chapter and is therefore authorized to evaluate electrical products that are for sale in the state of Washington.

(3) **"Administrative law judge"** means an administrative law judge (ALJ) appointed pursuant to chapter 34.12 RCW and serving in board proceedings pursuant to chapter 19.28 RCW and this chapter.

(4) **"ANSI"** means American National Standards Institute. Copies of ANSI standards are available from the National Conference of States on Building Codes and Standards, Inc.

(5) **"Appeal"** is a request for review of a department action by the board as authorized by chapter 19.28 RCW.

(6) **"Appellant"** means any person, firm, partnership, corporation, or other entity that has filed an appeal or request for board review.

(7) **"ASTM"** means the American Society for Testing and Materials. Copies of ASTM documents are available from ASTM International.

(8) **"AWG"** means American Wire Gauge.

(9) **"Board"** means the electrical board established and authorized under chapter 19.28 RCW.

(10) **"Chapter"** means chapter 296-46B WAC unless expressly used for separate reference.

(11) **"Category list"** is a list of nonspecific product types determined by the department.

(12) A **"certified electrical product"** is an electrical product to which a laboratory, accredited by the state of Washington, has the laboratory's certification mark attached.

(13) A **"certification mark"** is a specified laboratory label, symbol, or other identifying mark that indicates the manufacturer produced the product in compliance with appropriate standards or that the product has been tested for specific end uses.

(14) **"Certificate of competency"** includes the certificates of competency for master journeyman electrician, master specialty electrician, journeyman, and specialty electrician.

(15) A laboratory **"certification program"** is a specified set of testing, inspection, and quality assurance procedures, including appropriate implementing authority, regulating the evaluation of electrical products for certification marking by an electrical products certification laboratory.

(16) A **"complete application"** includes the submission of all appropriate fees, documentation, and forms.

PROPOSED

(17) **"Department"** means the department of labor and industries of the state of Washington.

(18) **"Director"** means the director of the department, or the director's designee.

(19) **"Electrical equipment"** includes electrical conductors, conduit, raceway, apparatus, materials, components, and other electrical equipment not exempted by RCW 19.28.006((8)) (9). Any conduit/raceway of a type listed for electrical use is considered to be electrical equipment even if no wiring is installed in the conduit/raceway at the time of the conduit/raceway installation.

(20) An **"electrical products certification laboratory"** is a laboratory or firm accredited by the state of Washington to perform certification of electrical products.

(21) An **"electrical products evaluation laboratory"** is a laboratory or firm accredited by the state of Washington to perform on-site field evaluation of electrical products for safety.

(22) **"Field evaluated"** means an electrical product to which a field evaluation mark is attached. Field evaluation must include job site inspection unless waived by the department, and may include component sampling and/or laboratory testing.

(23) **"Field evaluation mark"** is a specified laboratory label, symbol, or other identifying mark indicating the manufacturer produced the product in essential compliance with appropriate standards or that the product has been evaluated for specific end uses.

(24) A **"field evaluation program"** is a specified set of testing, inspection, and quality assurance procedures, including appropriate implementing authority regulating the testing and evaluation of electrical products for field evaluation marking.

(25) The **"filing"** is the date the document is actually received in the office of the chief electrical inspector.

(26) **"Final judgment"** means any money that is owed to the department under this chapter, including fees and penalties, or any money that is owed to the department as a result of an individual's or contractor's unsuccessful appeal of a citation.

(27) **"Fished wiring"** is when cable or conduit is installed within the finished surfaces of an existing building or building structure (e.g., wall, floor or ceiling cavity).

(28) **HVAC/refrigeration specific definitions:**

(a) **"HVAC/refrigeration"** means heating, ventilation, air conditioning, and refrigeration.

(b) **"HVAC/refrigeration component"** means electrical power and limited energy components within the "HVAC/refrigeration system," including, but not limited to: Pumps, compressors, motors, heating coils, controls, switches, thermostats, humidistats, low-voltage damper controls, outdoor sensing controls, outside air dampers, stand-alone duct smoke detectors, air monitoring devices, zone control valves and equipment for monitoring of HVAC/refrigeration control panels and low-voltage connections. This definition excludes equipment and components of non-"HVAC/refrigeration control systems."

(c) **"HVAC/refrigeration control panel"** means an enclosed, manufactured assembly of electrical components designed specifically for the control of a HVAC/refrigeration

system. Line voltage equipment that has low voltage, NEC Class 2 control or monitoring components incidental to the designed purpose of the equipment is not an HVAC/refrigeration control panel (e.g., combination starters).

(d) **"HVAC/refrigeration control system"** means a network system regulating and/or monitoring a HVAC/refrigeration system. Equipment of a HVAC/refrigeration control system includes, but is not limited to: Control panels, data centers, relays, contactors, sensors, and cables related to the monitoring and control of a HVAC/refrigeration system(s).

(e) **"HVAC/refrigeration equipment"** means the central unit primary to the function of the "HVAC/refrigeration system." HVAC/refrigeration includes, but is not limited to: Heat pumps, swamp coolers, furnaces, compressor packages, and boilers.

(f) **"HVAC/refrigeration system"** means a system of HVAC/refrigeration: Wiring, equipment, and components integrated to generate, deliver, or control heated, cooled, filtered, refrigerated, or conditioned air. This definition excludes non-HVAC/refrigeration control systems (e.g., fire alarm systems, intercom systems, building energy management systems, and similar non-HVAC/refrigeration systems) (see Figure 920-1 and Figure 920-2).

(29) An **"individual"** or **"party"** or **"person"** means an individual, firm, partnership, corporation, association, government subdivision or unit thereof, or other entity.

(30) An **"installation"** includes the act of installing, connecting, repairing, modifying, or otherwise performing work on an electrical system, component, equipment, or wire except as exempted by WAC 296-46B-925.

(31) An **"identification plate"** is a phenolic or metallic plate or other similar material engraved in block letters at least 1/4" (6 mm) high unless specifically required to be larger by this chapter, suitable for the environment and application. The letters and the background must be in contrasting colors. Screws, rivets, or methods specifically described in this chapter must be used to affix an identification plate to the equipment or enclosure.

(32) **"License"** means a license required under chapter 19.28 RCW.

(33) **"Labeled"** means an electrical product that bears a certification mark issued by a laboratory accredited by the state of Washington.

(34) A **"laboratory"** may be either an electrical product(s) certification laboratory or an electrical product(s) evaluation laboratory.

(35) A **"laboratory operations control manual"** is a document to establish laboratory operation procedures and may include a laboratory quality control manual.

(36) **"Like-in-kind"** means having similar characteristics such as voltage requirement, current draw, circuit over-current and short circuit characteristics, and function within the system and being in the same location. Like-in-kind also includes any equipment component authorized by the manufacturer as a suitable component replacement part.

(37) **"Lineman"** is a person employed by a serving electrical utility or employed by a licensed general electrical contractor who carries, on their person, evidence that they:

(a) Have graduated from a department-approved lineman's apprenticeship course; or

(b) Are currently registered in a department-approved lineman's apprenticeship course and are working under the direct one hundred percent supervision of a journeyman electrician or a graduate of a lineman's apprenticeship course approved by the department. The training received in the lineman's apprenticeship program must include training in applicable articles of the currently adopted National Electrical Code.

(38) "**Listed**" means equipment has been listed and identified by a laboratory approved by the state of Washington for the appropriate equipment standard per this chapter.

(39) "**Low voltage**" means:

(a) NEC, Class 1 power limited circuits at 30 volts maximum.

(b) NEC, Class 2 circuits powered by a Class 2 power supply as defined in NEC 725.41(A).

(c) NEC, Class 3 circuits powered by a Class 3 power supply as defined in NEC 725.41(A).

(d) Circuits of telecommunications systems as defined in chapter 19.28 RCW.

(40) "**NEC**" means National Electrical Code. Copies of the NEC are available from the National Fire Protection Association.

(41) "**NEMA**" means National Electrical Manufacturer's Association. Copies of NEMA standards are available from the National Electrical Manufacturer's Association.

(42) "**NESC**" means National Electrical Safety Code. Copies of the NESC are available from the Institute of Electrical and Electronics Engineers, Inc.

(43) "**NETA**" means International Electrical Testing Association, Inc. Copies of the NETA standards and information are available from the International Electrical Testing Association, Inc.

(44) "**NFPA**" means the National Fire Protection Association. Copies of NFPA documents are available from the National Fire Protection Association.

(45) "**NRTL**" means Nationally Recognized Testing Laboratory accredited by the federal Occupational Safety and Health Administration (OSHA) after meeting the requirements of 29 CFR 1910.7.

(46) "**Point of contact**" for utility work, means the point at which a customer's electrical system connects to the serving utility system.

(47) "**Proceeding**" means any matter regarding an appeal before the board including hearings before an administrative law judge.

(48) "**Public area or square**" is an area where the public has general, clear, and unrestricted access.

(49) A "**quality control manual**" is a document to maintain the quality control of the laboratory's method of operation. It consists of specified procedures and information for each test method responding to the requirements of the product standard. Specific information must be provided for portions of individual test methods when needed to comply with the standard's criteria or otherwise support the laboratory's operation.

(50) "**RCW**" means the Revised Code of Washington. Copies of electrical RCWs are available from the department and the office of the code reviser.

(51) A "**stand-alone amplified sound or public address system**" is a system that has distinct wiring and equipment for audio signal generation, recording, processing, amplification, and reproduction. This definition does not apply to telecommunications installations.

(52) "**Service**" or "**served**" means that as defined in RCW 34.05.010(19) when used in relation to department actions or proceedings.

(53) A "**telecommunications local service provider**" is a regulated or unregulated (e.g., by the Federal Communications Commission or the utilities and transportation commission as a telephone or telecommunications provider) firm providing telecommunications service ahead of the telecommunications network demarcation point to an end-user's facilities.

(54) "**Telecommunications network demarcation point**" is as defined in RCW 19.28.400 for both regulated carriers and unregulated local service providers.

(55) "**TIA/EIA**" means the Telecommunications Industries Association/Electronic Industries Association which publishes the *TIA/EIA Telecommunications Building Wiring Standards*. Standards and publications are adopted by TIA/EIA in accordance with the American National Standards Institute (ANSI) patent policy.

(56) A "**training school**" is a public community or technical college or not-for-profit nationally accredited technical or trade school licensed by the work force training and education coordinating board under chapter 28C.10 RCW.

(57) "**Under the control of a utility**" for the purposes of RCW 19.28.091 and 19.28.101 is when electrical equipment is not owned by a utility and:

(a) Is located in a vault, room, closet, or similar enclosure that is secured by a lock or seal so that access is restricted to the utility's personnel; or

(b) The utility is obligated by contract to maintain the equipment and the contract provides that access to the equipment is restricted to the utility's personnel or other qualified personnel.

(58) "**UL**" means Underwriters Laboratory.

(59) "**Utility**" means an electrical utility.

(60) "**Utility system**" means electrical equipment owned by or under the control of a serving utility that is used for the transmission or distribution of electricity from the source of supply to the point of contact.

(61) "**Utilization voltage**" means the voltage level employed by the utility's customer for connection to lighting fixtures, motors, heaters, or other electrically operated equipment other than power transformers.

(62) "**Variance**" is a modification of the electrical requirements as adopted in chapter 19.28 RCW or any other requirements of this chapter that may be approved by the chief electrical inspector if assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

(63) "**WAC**" means the Washington Administrative Code. Copies of this chapter of the WACs are available from the department and the office of the code reviser.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-030 Industrial control panel and industrial utilization equipment inspection. Specific definitions.

(1) Specific definitions for this section:

(a) **"Department evaluation"** means a review in accordance with subsection (2)(c) of this section.

(b) **"Food processing plants"** include buildings or facilities used in a manufacturing process, but do not include:

- (i) Municipal or other government facilities;
- (ii) Educational facilities or portions thereof;
- (iii) Institutional facilities or portions thereof;
- (iv) Restaurants;
- (v) Farming, ranching, or dairy farming operations;
- (vi) Residential uses; or
- (vii) Other installations not used for direct manufacturing purposes.

(c) In RCW 19.28.010, **"industrial control panel"** means a factory or user wired assembly of industrial control equipment such as motor controllers, switches, relays, power supplies, computers, cathode ray tubes, transducers, and auxiliary devices used in the manufacturing process to control industrial utilization equipment. The panel may include disconnecting means and motor branch circuit protective devices. Industrial control panels include only those used in a manufacturing process in a food processing or industrial plant.

(d) **"Industrial plants"** include buildings or facilities used in a manufacturing process, but do not include:

- (i) Municipal or other government facilities;
- (ii) Educational facilities or portions thereof;
- (iii) Institutional facilities or portions thereof;
- (iv) Restaurants;
- (v) Farming, ranching, or dairy farming operations;
- (vi) Residential uses; or
- (vii) Other installations not used for direct manufacturing purposes.

(e) **"Industrial utilization equipment"** means equipment directly used in a manufacturing process in a food processing or industrial plant, in particular the processing, treatment, moving, or packaging of a material. Industrial utilization equipment does not include: Cold storage, warehousing, or similar storage equipment.

(f) **"Manufacturing process"** means to make or process a raw material or part into a finished product for sale using industrial utilization equipment. A manufacturing process does not include the storage of a product for future distribution (e.g., cold storage, warehousing, and similar storage activity).

(g) **"Normal department inspection"** is a part of the department electrical inspection process included with the general wiring inspection of a building, structure, or other electrical installation. Normal department inspection will only be made for equipment solely using listed or field evaluated components and wired to the requirements of the NEC. Fees for the normal department inspections required under this chapter are included in the electrical work permit fee calculated for the installation and are not a separate inspection fee. However, inspection time associated with such equip-

ment is subject to the progress inspection rates in WAC 296-46B-905.

(h) For the purposes of this section, **"panel"** means a single box or enclosure containing the components comprising an industrial control panel. A panel does not include any wiring methods connecting multiple panels or connecting a panel(s) and other electrical equipment.

Safety standards.

(2) Industrial control panels and industrial utilization equipment will be determined to meet the minimum electrical safety standards for installations by:

(a) Listing, or field evaluation of the entire panel or equipment;

(b) Normal department inspection for compliance with codes and rules adopted under this chapter; or

(c) By department evaluation showing compliance with appropriate standards. Appropriate standards are NEMA, ANSI, NFPA 79, UL 508A or International Electrotechnical Commission 60204 or their equivalent. Industrial utilization equipment is required to conform to ~~((an international or United States national))~~ a nationally or internationally recognized standard applicable for the particular industrial utilization equipment. Compliance must be shown as follows:

(i) ~~((For each separate piece of equipment,))~~ The equipment's manufacturer must document, by letter to the equipment owner, the equipment's conformity to an appropriate standard(s). ~~((The letter must be signed and notarized.))~~ The letter must state:

- (A) The equipment manufacturer's name;
- (B) The type of equipment;
- (C) The equipment model number;
- (D) The equipment serial number;
- (E) The equipment supply voltage, amperes, phasing(~~;~~ fault current interrupting rating);
- (F) The standard(s) used to manufacture the equipment;
- (G) ~~((That the equipment is manufactured in compliance with the standard(s) used;))~~ Fault current interrupting rating of the equipment or the owner may provide documentation showing that the fault current available at the point where the building wiring connects to the equipment is less than 10,000 AIC; and

(H) The date the equipment was manufactured(~~;~~

~~((The manufacturer must demonstrate an appropriate affiliation or registration with an appropriate standards organization (e.g., NRTL, International Standards Organization, etc.); and~~

~~((The methodology used by the manufacturer to ensure that the equipment was constructed according to the standard(s) listed. This methodology should include hazard assessment, documentation, technical construction file, operation manual, and any other applicable information)).~~ Equipment that was manufactured prior to January 1, 1985, is not required to meet (c)(i)(F) of this subsection.

(ii) The equipment owner must document, by letter to the chief electrical inspector, the equipment's usage as industrial utilization equipment as described in this section and provide a copy of the equipment manufacturer's letter described in (c)(i) of this subsection. The owner's letter must be accompanied by the fee required in WAC 296-46B-905(14).

For the purposes of this section, the owner must be a food processing or industrial plant as described in this section. ~~((The owner cannot be the equipment's manufacturer, agent, or distributor.))~~

(iii) The chief electrical inspector will evaluate the equipment manufacturer's ~~((and the))~~ letter, equipment owner's letter~~((s))~~, and ~~((if necessary))~~ the individual equipment ~~((and make a determination of a standard's appropriateness using the supplied information))~~.

If the equipment is determined to have had electrical modifications since the date of manufacture, the chief electrical inspector will not approve equipment using this method.

(iv) If required by the chief electrical inspector, the owner must provide the department with a copy, in English, of the standard(s) used and any documentation required by the chief electrical inspector to support the claims made in the equipment manufacturer's or owner's letter. At the request of the owner, the department will obtain a copy of any necessary standard to complete the review. If, per the owner's request, the department obtains the copy of the standard, the owner will be billed for all costs associated with obtaining the standard.

If the industrial utilization equipment has been determined to be manufactured to a standard(s) appropriate for industrial utilization equipment as determined by the chief electrical inspector per RCW 19.28.010(1), the equipment will be marked with a department label.

The department will charge a marking fee as required in WAC 296-46B-905(14). Once marked by the department, the equipment is suitable for installation anywhere within the state without modification so long as the equipment is being used as industrial utilization equipment. If payment for marking is not received by the department within thirty days of marking the equipment, the department's mark(s) will be removed and the equipment ordered removed from service.

(v) If the equipment usage is changed to other than industrial utilization equipment or electrical modifications are made to the equipment, the equipment must be successfully listed or field evaluated by a laboratory approved by the department.

(vi) The equipment must be permanently installed at the owner's facility and inspected per the requirements of RCW 19.28.101.

(3) The department may authorize, on a case-by-case basis, use of the industrial control panel or equipment, for a period not to exceed six months or as approved by the chief electrical inspector after use is begun, before its final inspection, listing, or evaluation.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-110 General—Requirements for electrical installations.

012 Mechanical execution of work.

(1) Unused openings. Unused openings in boxes, raceways, auxiliary gutters, cabinets, cutout boxes, meter socket enclosures, equipment cases, or housings shall be effectively closed to afford protection substantially equivalent to the wall of the equipment. Where metallic plugs or plates are

used with nonmetallic enclosures, they shall be recessed at least 6 mm (1/4") from the outer surface of the enclosure. Unused openings do not include weep holes, unused mounting holes, or any other opening with less than .15 square inches of open area.

016 Flash protection.

(2) The flash protection marking required by NEC 110.16 must be an identification plate or label approved by the electrical inspector and may be installed either in the field or in the factory. The plate or label may be mounted using adhesive.

022 Identification of disconnecting means.

(3) For the purposes of legibly marking a disconnecting means, as required in NEC 110.22, an identification plate is required unless the disconnect is a circuit breaker/fused switch installed within a panelboard and the circuit breaker/fused switch is identified by a panelboard schedule. In other than dwelling units, the identification plate must include the identification designation of the circuit source panelboard that supplies the disconnect.

(4) Where electrical equipment is installed to obtain a series combination rating, the identification as required by NEC 110.22, must be in the form of an identification plate that is substantially yellow in color. The words "CAUTION - SERIES COMBINATION RATED SYSTEM" must be on the label in letters at least 13 mm (1/2") high.

030 Over 600 volts - general.

(5) Each cable operating at over 600 volts and installed on customer-owned systems must be legibly marked in a permanent manner at each termination point and at each point the cable is accessible. The required marking must use phase designation, operating voltage, and circuit number if applicable.

(6) Only licensed electrical contractors can use the Class B basic electrical inspection - random inspection process. Health care, large commercial, or industrial facilities using an employee who is a certified electrician(s) can use the Class B basic electrical inspection - random inspection process after permission from the chief electrical inspector.

(7) If the Class B basic electrical inspection - random inspection process is used, the following requirements must be met:

(a) The certified electrician performing the installation must affix a Class B installation label on the cover of the panelboard or overcurrent device supplying power to the circuit or equipment prior to beginning the work.

(b) The job site portion of the label must include the following:

(i) Date of the work;

(ii) Electrical contractor's name;

(iii) Electrical contractor's license number;

(iv) Installing electrician's certificate number; and

(v) Short description of the work.

(c) The contractor portion of the label must include the following:

(i) Date of the work;

(ii) Electrical contractor's license number;

(iii) Installing electrician's certificate number;

(iv) Job site address;

(v) Contact telephone number for the job site (to be used to arrange inspection); and

(vi) Short description of the work.

(d) The label must be filled in using sunlight and weather resistant ink.

(e) The electrical contractor must return the contractor's portion of the label to the Department of Labor & Industries, Electrical Section, Chief Electrical Inspector, P.O. 4460, Olympia, WA 98506-4460 within fifteen working days after the job site portion of the Class B installation label is affixed.

(8) Class B basic installation labels will be sold in blocks. Installations where a Class B basic installation label is used will be inspected on a random basis as determined by the department.

(a) If any such random inspection fails, a subsequent installation in the block must be inspected.

(b) If any such subsequent installation fails inspection, all installations in the block must be inspected.

(9) Any electrical contractor or other entity using the Class B basic electrical inspection - random inspection process may be audited for compliance with the provisions for purchasing, inspection, reporting of installations, and any other requirement of usage.

(10) Class B basic electrical work is described in RCW 19.28.006 (2)(b). For the purposes of Class B basic electrical work, a device includes: General use snap switches/receptacles, luminaires, thermostats, speakers, etc., but does not include wiring/cablings systems, isolating switches, magnetic contactors, motor controllers, etc. A cover inspection is required for all fire-wall penetrations.

In addition, Class B basic electrical work includes the like-in-kind replacement in a household of an:

(a) Electrical/gas/oil furnace not exceeding 240 volts and 100 amps when the furnace is connected to an existing branch circuit; and

(b) Air conditioning unit or refrigeration unit not exceeding 240 volts, 30 minimum circuit amps when the air conditioning unit or refrigeration unit is connected to an existing branch circuit.

Class B basic electrical work does not include any work in:

(c) Areas classified as Class 1, Class 2, Class 3, or Zone locations per the NEC;

(d) Areas regulated by NEC 517 or 680; or

(e) Any work where electrical plan review is required.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-210 Wiring and protection—Branch circuits. 008B Other than dwelling units - GFCI requirements.

(1) For the purposes of NEC 210.8(B), all 125-volt, single-phase, 15- and 20-ampere receptacles must have ground-fault circuit-interrupter protection for personnel as required by NEC 210.8(A). Kitchens in other than dwelling units are considered to be any work surface where food and/or beverage preparation occurs and other countertops or islands.

011 Branch circuits.

(2) Circuits must be taken to all unfinished spaces adaptable to future dwelling unit living areas that are not readily accessible to the service or branch circuit panelboard. The circuits must terminate in a suitable box(es). The box must contain an identification of the intended purpose of the circuit(s). The branch circuit panelboard must have adequate space and capacity for the intended load(s).

~~((052))~~ **012 Arc-fault circuit-interrupter protection.**

(3) For the purpose of NEC 210.12(B), Dwelling Unit Bedroom spaces that:

(a) Are accessed only through the bedroom;

(b) Are ancillary to the bedroom's function; and

(c) Contain branch circuits that supply 125-volt, 15- and 20-ampere, outlets must be protected by an arc-fault circuit interrupter listed to provide protection of the entire branch circuit.

For the purposes of this section, such spaces will include, but not be limited to, spaces such as closets and sitting areas, but will not include bathrooms.

051(B)(5) Receptacle outlet locations.

~~((3))~~ (4) Receptacle outlets installed ~~((inside))~~ in appliance garages ~~((will be permitted to))~~ may be counted as a required countertop outlet.

052(A)(2) Dwelling unit receptacle outlets.

(5) For the purpose of NEC 210.52(A)(2)(1), "similar openings" include the following structures that are a permanent part of the dwelling structure or finish:

(a) Window seating; and

(b) Bookcases or cabinets that extend from the floor to a level at least 1.7 meters (five (5) feet six (6) inches) above the floor.

Any outlets eliminated by such window seating, bookcases, or cabinets must be installed elsewhere within the room.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-250 Wiring and protection—Grounding.

030(A)(3)(b) Grounding separately derived alternating-current systems.

(1) All tap connections to the common grounding electrode conductor shall be made at an accessible location by a listed connector, an irreversible compression connector listed for the purpose, listed connections to copper busbars not less than 6 mm x 50 mm (1/4 in. x 2 in.), or by exothermic welding process. The tap conductors shall be connected to the common grounding electrode conductor in such a manner that the common grounding electrode conductor remains without a splice or joint.

032 Two or more buildings or structures.

~~((4))~~ (2) Effective August 1, 2003, an equipment grounding conductor must be installed with the circuit conductors between buildings and/or structures. A grounded conductor (i.e., neutral) is not permitted to be used in place of a separate equipment grounding conductor between buildings and/or structures.

052 Grounding electrodes.

~~((2))~~ (3) If a ground resistance test is not performed to ensure a resistance to ground of twenty-five ohms or less, two or more electrodes as specified in NEC 250.52 must be installed a minimum of six feet apart. However, a temporary construction service is not required to have more than one made electrode.

090 Bonding.

~~((3))~~ (4) Metallic stubs or valves used in nonmetallic plumbing systems are not required to be bonded to the electrical system unless required by an electrical equipment manufacturer's instructions.

~~((4))~~ (5) Hot and cold water plumbing lines are not required to be bonded together if, at the time of inspection, the inspector can determine the lines are mechanically and electrically joined by one or more metallic mixing valves.

184 Solidly grounded neutral systems over 1 kV.

~~((5))~~ (6) In addition to the requirements of NEC 250.184(A), the following applies for:

(a) Existing installations.

(i) The use of a concentric shield will be allowed for use as a neutral conductor for extension, replacement, or repair, if all of the following are complied with:

(A) The existing system uses the concentric shield as a neutral conductor;

(B) Each individual conductor contains a separate concentric shield sized to no less than thirty-three and one-half percent of the ampacity of the phase conductor for three-phase systems or one hundred percent of the ampacity of the phase conductor for single-phase systems;

(C) The new or replacement cable's concentric shield is enclosed inside an outer insulating jacket; and

(D) Existing cable (i.e., existing cable installed directly in the circuit between the work and the circuit's overcurrent device) successfully passes the following tests:

- A cable maintenance high potential dielectric test. The test must be performed in accordance with the cable manufacturer's instruction or the 2001 NETA maintenance test specifications; and

- A resistance test of the cable shield. Resistance must be based on the type, size, and length of the conductor used as the cable shield using the conductor properties described in NEC Table 8 Conductor Properties.

An electrical engineer must provide a specific certification to the electrical plan review supervisor in writing that the test results of the maintenance high potential dielectric test and the resistance test have been reviewed by the electrical engineer and that the cable shield is appropriate for the installation. The electrical engineer must stamp the certification document with the engineer's stamp and signature. The document may be in the form of a letter or electrical plans.

Testing results are valid for a period of seven years from the date of testing. Cable will not be required to be tested at a shorter interval.

(ii) A concentric shield used as a neutral conductor in a multigrounded system fulfills the requirements of an equipment grounding conductor.

(b) New installations.

(i) New installations do not include extensions of existing circuits.

(ii) The use of the concentric shield will not be allowed for use as a neutral conductor for new installations. A listed separate neutral conductor meeting the requirements of NEC 250.184(A) must be installed.

~~((6))~~ (7) Multiple grounding. NEC 250.184(B) is replaced with the following:

The neutral of a solidly grounded neutral system may be grounded at more than one point.

(a) Multiple grounding is permitted at the following locations:

(i) Services;

(ii) Underground circuits where the neutral is exposed; and

(iii) Overhead circuits installed outdoors.

(b) Multiple grounding is not allowed:

(i) For new systems where singlepoint and multigrounded circuits form a single system (e.g., where a singlepoint circuit is derived from a multigrounded circuit); or

(ii) In new single phase (i.e., single phase to ground) installations.

~~((7))~~ (8) Multigrounded neutral conductor. NEC 250.184(D) is replaced with the following:

Where a multigrounded neutral system is used, the following will apply for new balanced phase to phase circuits and extensions, additions, replacements; and repairs to all existing systems of 1 kV and over:

(a) For existing systems:

(i) The cable's concentric shield must be used as the neutral and all the requirements for neutral conductors described in subsection (6) of this section must be met; or

(ii) The cable's concentric shield must be effectively grounded to a separate bare copper neutral conductor at all locations where the shield is exposed to personnel contact.

(b) For new systems:

A separate copper neutral must be installed and the cable's concentric shield is effectively grounded to the separate neutral at all locations where the shield is exposed to personnel contact.

(c) In addition to (a) and (b) of this subsection, the following is required:

(i) A minimum of two made electrodes, separated by at least six feet, must be installed at each existing and new transformer and switching/overcurrent location and connected to the neutral conductor at that location;

(ii) At least one grounding electrode must be installed and connected to the multigrounded neutral every 400 m (1,300'). The maximum distance between adjacent electrodes must not be more than 400 m (1,300');

(iii) In a multigrounded shielded cable system, the shielding must be grounded at each cable joint that is exposed to personnel contact;

(iv) All exposed noncurrent carrying metal parts (e.g., mounting brackets, manhole covers, equipment enclosures, etc.) must be effectively grounded to the neutral conductor; and

(v) An electrical engineer must provide a specific certification to the electrical plan review supervisor in writing that the design of the multiple grounding installation has been reviewed by the electrical engineer and the design is in accordance with the requirements of chapter 19.28 RCW, this

chapter, and normal standards of care. The electrical engineer must stamp the certification document with the engineer's stamp and signature. The document may be in the form of a letter or electrical plans.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

**WAC 296-46B-300 Wiring methods and materials—
Wiring methods.**

001 Wiring methods.

(1) Cables and raceways for telecommunications, power limited, NEC Class 2 and Class 3 conductors must be installed in compliance with Chapter 3 NEC unless other methods are specifically allowed elsewhere in the NEC, chapter 19.28 RCW, or this chapter.

005 Underground installations.

(2) Induction loops.

See WAC 296-46B-040 for induction detection loops that are made in a public roadway and regulated by a governmental agency.

The department will inspect induction loops that are not installed in public roadways regulated by a governmental agency. These induction loops must comply with the following requirements:

(a) General:

(i) A preformed direct burial inductance loop is designed to be installed within the road surface base (e.g., concrete or asphalt) or below the road surface of a road with an unpaved surface (e.g., gravel or brick pavers);

(ii) A saw-cut inductance detection loop is designed to be installed into a groove saw-cut into an existing paved road surface (e.g., concrete or asphalt);

(iii) The loop system includes the loop and the lead-in conductor;

(iv) The loop system must be:

(A) Tested to assure that at 500 volts DC, the resistance between the conductor and ground equals or exceeds 50 megohms; and

(B) Without splice; or

(C) If spliced, the splice must be soldered and appropriately insulated;

(v) The lead-in conductor must comply with the following:

(A) Must be stranded and have a lay (i.e., twist) of two turns per foot; and

(B) If installed in an electrical raceway;

• Are not required to be listed or suitable for wet locations; and

• Must have a burial cover of at least 6"; or

(C) If direct buried;

• Must be listed for the use; and

• Must have a burial cover of at least 18".

(b) Preformed direct burial inductance detection loops must conform with the following:

(i) The loop conductor must be rated for direct burial and be a minimum of No. 16 AWG;

(ii) The loop design must not allow movement of the loop conductor within the outer jacket. The outer jacket containing the loop conductor is not required to be listed;

(iii) The loop yoke casing (i.e., the location where the lead-in conductor is connected to the loop):

(A) Includes any device used to house the "loop to lead-in splice" or to otherwise couple the loop with the lead-in electrical raceway;

(B) Is not required to be listed; and

(C) Must have a coupler that will create a waterproof bond with the electrical raceway, containing the lead-in conductor, or a direct buried lead-in conductor.

(c) Saw-cut inductance detection loops:

(i) The loop conductor must be cross-linked polyethylene or EPR Type USE insulation and be a minimum of No. 18 AWG stranded;

(ii) The saw-cut groove must not cut into rebar installed within the roadway.

011 Support of raceways, cables, or boxes in suspended ceilings.

~~((2))~~ (3) NEC power limited, Class 2, and Class 3 cables must be secured in compliance with NEC 334.30 and must be secured to boxes in compliance with NEC 314.17.

~~((3))~~ (4) Telecommunications cables must be secured in a manner that will not cause damage to the cables and at intervals not exceeding five feet. Cables are considered adequately supported when run through holes in building structural elements or other supporting elements. Telecommunications cables may be fished into inaccessible hollow spaces of finished buildings. Clamps or fittings are not required where telecommunications cables enter boxes.

~~((4))~~ (5) Optical fiber cables must be secured in a manner that will not cause damage to the cables and at intervals not exceeding five feet. Cables are considered adequately supported when run through holes in building structural elements or other supporting elements. Optical fiber cables may be fished into inaccessible hollow spaces of finished buildings. Supports must allow a bending radius that will not cause damage to the cables.

~~((5))~~ (6) Where not restricted by the building code official or Article 300 NEC, the wires required in NEC 300.11(a) may support raceways, cables, or boxes under the following conditions:

(a) Raceways and/or cables are not larger than three-quarter-inch trade size;

(b) No more than two raceways or cables are supported by a support wire. The two-cable limitation does not apply to telecommunications cables, Class 2 cables, or Class 3 cables on support wires installed exclusively for such cables. The support wire must be adequate to carry the cable(s) weight and all attached cables must be secured with approved fittings; or

(c) Raceways and cables are secured to the support wires by fittings designed and manufactured for the purpose.

In addition to (a), (b), and (c) of this subsection, the following conditions must be complied with:

(d) The support wires are minimum #12 AWG and are securely fastened to the structural ceiling and to the ceiling grid system; ~~((ø))~~ and

(e) The raceways or cables serve equipment that is located within the ceiling cavity or is mounted on or supported by the ceiling grid system. Telecommunications cables, Class 2 cables, or Class 3 cables supported as required

by this section, may pass through ceiling cavities without serving equipment mounted on or supported by the ceiling grid system.

017 Conductors in raceway.

~~((6))~~ (7) Cables will be permitted in all raceway systems if:

- (a) The cable is appropriate for the environment; and
- (b) The percentage fill does not exceed that allowed in NEC Chapter 9, Table 1.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-314 Wiring methods and materials— Outlet, device, pull and junction boxes.

001 Boxes and fittings.

(1) Single conductors, cables, taps, or splices installed in an open bottom junction box or handhole must be suitable for direct burial. However, an open bottom box manufactured specifically for electrical use will be permitted to be used as an electrical junction box to enclose single conductors, cables, taps, or splices rated for wet locations, only under the following conditions:

(a) In vehicular traffic areas the box must be rated for not less than H-20 loading and be provided with a bolted, hinged, or slide-on lid embossed with the identification "ELECTRIC" or "ELECTRICAL."

(b) In incidental vehicular traffic areas (e.g., parks, sports fields, sidewalks, grass lawns, etc.) the box must be rated for not less than H-10 loading and be provided with a bolted, hinged, or slide-on lid embossed with the identification "ELECTRIC" or "ELECTRICAL."

(c) In nonvehicular traffic areas (e.g., flower beds, patio decks, etc.) the box must be designed for the purpose and be provided with a lid embossed with the identification "ELECTRIC" or "ELECTRICAL."

(d) All conductors must be installed in approved electrical raceways that enter vertically from the open bottom of the enclosure or horizontally from the sides of the enclosure at least 150 mm (6 in.) from the sand or gravel at the bottom of the enclosure. These raceways must be fitted with a bushing, terminal fitting, or seal incorporating the physical protection characteristics of a bushing, and project not less than 5 cm (2") above the bottom surface material. The bottom surface material must be pea gravel or sand a minimum of 5 cm (2") thick or more if required by the box manufacturer.

(2) Conduit bodies, junction, pull, and outlet boxes must be installed so that the wiring contained in them is accessible without removing any part of the building structure, including insulation material.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-334 Wiring methods and materials— Nonmetallic-sheathed cable.

010 Nonmetallic-sheathed cable.

~~((This section is in addition to the uses permitted/not permitted for nonmetallic-sheathed cable (Type NM) described in NEC 334.10 and NEC 334.12.~~

~~Nonmetallic-sheathed cable (Type NM) is permitted in all one- and two-family dwellings.~~

~~Nonmetallic-sheathed cable (Type NM) not allowed, except in one- and two-family dwellings, in any multifamily or any other structure exceeding three floors above grade.~~

~~For the purpose of this section, the first floor of a structure will be the lowest floor that has fifty percent or more of the exterior wall surface level with or above finished exterior grade. One additional level that is the first level and not designed for human habitation and used only for vehicle parking, storage, or similar use will be permitted.-(1) This section replaces NEC 334.10(2). In multifamily dwellings, Type NM, Type NMC, and Type NMS cable(s) may be used in structures of Types III, IV, and V construction except as prohibited in NEC 334.12.~~

~~(2) This section replaces NEC 334.10(3). In all other structures, Type NM, Type NMC, and Type NMS cable(s) may be used in structures of Types III, IV, and V construction except as prohibited in NEC 334.12. All cable(s) must be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire-rated assemblies.~~

~~(3) The building classification, for subsections (1) and (2) of this section, will be as determined by the building official. For the purposes of this section, Type III and IV may be a maximum of five stories and Type V may be a maximum of three stories as defined in the International Building Code adopted in the state of Washington. The installer must provide the inspector documentation substantiating the type of building construction and finish material rating(s) prior to any electrical inspection.~~

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-410 Equipment for general use— Luminaires. 004 Luminaires.

(1) All luminaires within an enclosed shower area or within five feet of the waterline of a bathtub must be enclosed; these luminaires, with exposed metal parts that are grounded, must be ground fault circuit interrupter protected.

018 Exposed luminaire (fixture) parts.

(2) Replacement luminaires that are directly wired or attached to boxes supplied by wiring methods that do not provide a ready means for grounding and that have exposed conductive parts will be permitted where the luminaires are provided with ground-fault circuit-interrupter protection and marked "no equipment ground."

030 Flexible cord connection pendant boxes and electric discharge luminaires.

~~((2))~~ (3) The flexible cord and cord connection must comply with NEC 410.30 and the following:

(a) Connection to a suspended pendant box must utilize an integral threaded hub;

(b) The length of the cord for a suspended pendant drop from a permanently installed junction box to a suitable tension take-up device must not exceed six feet;

(c) The flexible cord must be supported at each end with an approved cord grip or strain relief connector fitting/device that will eliminate all stress on the conductor connections;

(d) The flexible cord must be a minimum #14 AWG copper;

(e) The flexible cord ampacity must be determined in NEC Table 400.5(A) column A;

(f) The flexible cord must be hard or extra hard usage; and

(g) A vertical flexible cord supplying electric discharge luminaires must be secured to the luminaire support as per NEC 334.30(A).

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-430 Motors, motor circuits, and controllers. 007 Marking on motors and multimotor equipment.

~~(((1) All motors required to be listed in the NEC or elsewhere in this chapter must be listed or field evaluated by a laboratory. Other motors are not required to be listed or field evaluated by a laboratory.~~

~~((2))~~ Except as required by the National Electrical Code, there is no requirement for motors to be identified for use or listed/field evaluated by a laboratory. All motors must be manufactured according to National Electrical Manufacturer's Association (NEMA) standards for motors ~~((--This requirement does not apply to))~~ except motors that:

~~(((a)))~~ (1) Are a component part of equipment listed or field evaluated by a laboratory; or

~~(((b)))~~ (2) Are a component part of industrial utilization equipment approved by the department per WAC 296-46B-030.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-900 Electrical work permits and fees. General.

(1) When an electrical work permit is required by chapter 19.28 RCW or this chapter, inspections may not be made, equipment must not be energized, or services connected unless:

(a) A valid electrical work permit is completely and legibly filled out and readily available;

(b) The classification or type of facility to be inspected and the exact scope and location of the electrical work to be performed are clearly shown on the electrical work permit;

(c) The address where the inspection is to be made is clearly identifiable from the street, road or highway that serves the premises; and

(d) Driving directions and/or a legible map is provided for the inspectors' use.

(2) An electrical work permit is valid for only one specific site address.

(3) Except as provided in subsection (8) of this section, a valid electrical work permit must be posted on the job site at a readily accessible and conspicuous location prior to beginning electrical work and at all times until the electrical inspection process is completed.

Permit - responsibility for.

(4) Each person, firm, partnership, corporation, or other entity must furnish a valid electrical work permit for the

installation, alteration, or other electrical work performed or to be performed by that entity. Each electrical work permit application must be signed by the electrical contractor's administrator (or designee) or the person, or authorized representative of the firm, partnership, corporation, or other entity that is performing the electrical installation or alteration. Permits purchased electronically do not require a handwritten signature. An entity designated to sign electrical permits must provide written authorization of the purchaser's designation when requested by the department.

(5) Permits to be obtained by customers. Whenever a serving electrical utility performs work for a customer under one of the exemptions in WAC 296-46B-925 and the work is subject to inspection, the customer is responsible for obtaining all required permits.

(6) Except for emergency repairs to existing electrical systems, electrical work permits must be obtained and posted at the job site prior to beginning the installation or alteration. An electrical work permit for emergency repairs to existing electrical systems must be obtained and posted at the job site no later than the next business day after the work is begun.

(7) Fees must be paid in accordance with the inspection fee schedule, WAC 296-46B-905. The amount of the fee due is calculated based on the fee effective at the date payment is made. If the project is required to have an electrical plan review, the plan review fees will be based on the fees effective at the date the plans are received by the department for review.

Permit - requirements for.

(8) As required by chapter 19.28 RCW or this chapter, an electrical work permit is required for the installation, alteration, or maintenance of all electrical systems except for:

(a) Travel trailers ~~((--or--))~~;

(b) Class A basic electrical work which includes the like-in-kind replacement of a: ~~Contact~~or, relay, timer, starter, circuit board, or similar control component; household appliance; circuit breaker ~~((--or--))~~; fuse ~~((--or--))~~; residential luminaire ~~((--or--))~~; lamp ~~((--or--))~~; snap switch ~~((--or--))~~; dimmer ~~((--or--))~~; receptacle outlet ~~((--or--))~~; thermostat ~~((--or--))~~; heating element ~~((--or--))~~; luminaire ballast with an exact same ballast ~~((--contact, relay, timer, starter, circuit board, or similar control component, or 10))~~; ten horsepower or smaller motor; and induction detection loops described in WAC 296-46B-300(2) and used to control gate access devices.

(9) An electrical work permit is required for all installations of telecommunications systems on the customer side of the network demarcation point for projects greater than ten telecommunications outlets. All backbone installations regardless of size and all telecommunications cable or equipment installations involving penetrations of fire barriers or passing through hazardous locations require permits and inspections. For the purposes of determining the inspection threshold for telecommunications projects greater than ten outlets, the following will apply:

(a) An outlet is the combination of jacks and mounting hardware for those jacks, along with the associated cable and telecommunications closet terminations, that serve one workstation. In counting outlets to determine the inspection threshold, one outlet must not be associated with more than six standard four-pair cables or more than one twenty-five-

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pair cable. Therefore, installations of greater than sixty standard four-pair cables or ten standard twenty-five-pair cables require permits and inspections. (It is not the intent of the statute to allow large masses of cables to be run to workstations or spaces serving telecommunications equipment without inspection. Proper cable support and proper loading of building structural elements are safety concerns. When considering total associated cables, the telecommunications availability at one workstation may count as more than one outlet.)

(b) The installation of greater than ten outlets and the associated cables along any horizontal pathway from a telecommunications closet to work areas during any continuous ninety-day period requires a permit and inspection.

(c) All telecommunications installations within the residential dwelling units of single-family, duplex, and multifamily dwellings do not require permits or inspections. In residential multifamily dwellings, permits and inspections are required for all backbone installations, all fire barrier penetrations, and installations of greater than ten outlets in common areas.

(d) No permits or inspections are required for installation or replacement of cord and plug connected telecommunications equipment or for patch cord and jumper cross-connected equipment.

(e) Definitions of telecommunications technical terms will come from chapter 19.28 RCW, this chapter, TIA/EIA standards, and NEC.

Permit - inspection and approval.

(10) Requests for inspections.

(a) Requests for inspections must be made no later than three business days after completion of the electrical/telecommunications installation or one business day after any part of the installation has been energized, whichever occurs first.

(b) Requests for after hours or weekend inspections must be made by contacting the local electrical inspection supervisor at least three working days prior to the requested date of inspection. The portal-to-portal inspection fees required for after hours or weekend inspections are in addition to the cost of the original electrical work permit.

(c) Emergency requests to inspect repairs necessary to preserve life and equipment safety may be requested at any time.

(d) Inspections for annual electrical maintenance permits and annual telecommunications permits may be done on a regular schedule arranged by the permit holder with the department.

(11) Final inspection approval will not be made until all inspection fees are paid in full.

Permit - duration/refunds.

(12) Electrical work permits will expire one year after the date of purchase unless electrical work is actively and consistently in progress and inspections requested. Refunds are not available for:

(a) Expired electrical work permits;

(b) Electrical work permits where the electrical installation has begun; or

(c) Any electrical work permit where an electrical inspection or electrical inspection request has been made.

Permit - annual telecommunications.

(13) The chief electrical inspector can allow annual permits for the inspection of telecommunications installations to be purchased by a building owner or licensed electrical/telecommunications contractor. The owner's full-time telecommunications maintenance staff, or a licensed electrical/telecommunications contractor(s) can perform the work done under this annual permit. The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all the telecommunications work performed and the valid electrical or telecommunications contractor's license numbers for all contractors working under the permit.

Permit - annual electrical.

(14) The chief electrical inspector can allow annual permits for the inspection of electrical installations to be purchased by a building owner or licensed electrical contractor. This type of permit is available for commercial/industrial locations employing a full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor.

The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all electrical work performed.

This type of electrical permit may be used for retrofit, replacement, maintenance, repair, upgrade, and alterations to electrical systems at a single plant or building location. This type of permit does not include new or increased service or new square footage.

AMENDATORY SECTION (Amending WSR 03-18-089, filed 9/2/03, effective 10/3/03)

WAC 296-46B-905 Inspection fees. To calculate inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating. The total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) of this section, PROGRESS INSPECTIONS.

The amount of the fee due is calculated based on the fee effective at the date of a department assessed fee (e.g., plan review or fee due) or when the electrical permit is purchased.

(1) Residential.

(a) Single- and two-family residential (new construction).

Notes:

- (1) Square footage is the area included within the surrounding exterior walls of a building exclusive of any interior courts. (This includes any floor area in an attached garage, basement, or unfinished living space.)
- (2) "Inspected with the service" means that a separate service inspection fee is included on the same electrical work permit.
- (3) "Inspected at the same time" means all wiring is to be ready for inspection during the initial inspection trip.
- (4) An "outbuilding" is a structure that serves a direct accessory function to the residence, such as a pump house or storage building. Outbuilding does not include buildings used for commercial type occupancies or additional dwelling occupancies.

(i) First 1300 sq. ft.	\$((70-80)) 73.00
Each additional 500 sq. ft. or portion of	\$((22-70)) 23.40

- (ii) Each outbuilding or detached garage - inspected at the same time as a dwelling unit on the property \$((~~29.60~~)) 30.50
- (iii) Each outbuilding or detached garage - inspected separately \$((~~46.70~~)) 48.10
- (iv) Each swimming pool - inspected with the service \$((~~46.70~~)) 48.10
- (v) Each swimming pool - inspected separately \$((~~70.80~~)) 73.00
- (vi) Each hot tub, spa, or sauna - inspected with the service \$((~~29.60~~)) 30.50
- (vii) Each hot tub, spa, or sauna - inspected separately \$((~~46.70~~)) 48.10
- (viii) Each septic pumping system - inspected with the service \$((~~29.60~~)) 30.50
- (ix) Each septic pumping system - inspected separately \$((~~46.70~~)) 48.10
- (b) Multifamily residential and miscellaneous residential structures, services and feeders (new construction).**

Each service and/or feeder

Ampacity	Service/Feeder	Additional Feeder
0 to 200	\$((76.30)) <u>78.70</u>	\$((22.70)) <u>23.40</u>
201 to 400	\$((94.80)) <u>97.80</u>	\$((46.70)) <u>48.10</u>
401 to 600	\$((130.20)) <u>134.30</u>	\$((64.90)) <u>66.90</u>
601 to 800	\$((167.00)) <u>172.30</u>	\$((89.00)) <u>91.80</u>
801 and over	\$((238.10)) <u>245.70</u>	\$((178.60)) <u>184.30</u>

(c) Single or multifamily altered services or feeders including circuits.

(i) Each altered service and/or altered feeder

Ampacity	Service or Feeder
0 to 200	\$((64.90)) <u>66.90</u>
201 to 600	\$((94.80)) <u>97.80</u>
601 and over	\$((142.90)) <u>147.40</u>

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder) \$((~~35.20~~)) 36.30

(d) Single or multifamily residential circuits only (no service inspection).

Note:

Altered or added circuit fees are calculated per panelboard. Total cost of the alterations in an individual panel should not exceed the cost of a complete altered service or feeder of the same rating, as shown in subsection (1) RESIDENTIAL (c) (table) of this section.

- (i) 1 to 4 circuits (see note above) \$((~~46.70~~)) 48.10
- (ii) Each additional circuit (see note above) \$((~~5.20~~)) 5.30

(e) Mobile homes, modular homes, mobile home parks, and RV parks.

- (i) Mobile home or modular home service or feeder only \$((~~46.70~~)) 48.10
- (ii) Mobile home service and feeder \$((~~76.30~~)) 78.70

(f) Mobile home park sites and RV park sites.

Note:

For master service installations, see subsection (2) COMMERCIAL/INDUSTRIAL of this section.

- (i) First site service or site feeder \$((~~46.70~~)) 48.10
- (ii) Each additional site service; or additional site feeder inspected at the same time as the first service or feeder \$((~~29.60~~)) 30.50

(2) Commercial/industrial

(a) New service or feeder, and additional new feeders inspected at the same time (includes circuits).

Note:

For large COMMERCIAL/INDUSTRIAL projects that include multiple feeders, "inspected at the same time" can be interpreted to include additional inspection trips for a single project. The additional inspections must be for electrical work specified on the permit at the time of purchase. The permit fee for such projects must be calculated from (2)(a)(table) of this section. However, the total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) PROGRESS INSPECTIONS of this section.

Service/feeders

Ampacity	Service/Feeder	Additional Feeder
0 to 100	\$((76.30)) <u>78.70</u>	\$((46.70)) <u>48.10</u>
101 to 200	\$((94.80)) <u>95.80</u>	\$((59.40)) <u>61.30</u>
201 to 400	\$((178.60)) <u>184.30</u>	\$((70.80)) <u>73.00</u>
401 to 600	\$((208.20)) <u>214.80</u>	\$((83.20)) <u>85.80</u>
601 to 800	\$((269.10)) <u>277.70</u>	\$((113.30)) <u>116.90</u>
801 to 1000	\$((328.50)) <u>339.00</u>	\$((137.10)) <u>141.40</u>
1001 and over	\$((358.40)) <u>369.80</u>	\$((191.20)) <u>197.30</u>

(b) Altered services or feeders (no circuits).

(i) Service/feeders

Ampacity	Service or Feeder
0 to 200	\$((76.30)) <u>78.70</u>
201 to 600	\$((178.60)) <u>184.30</u>
601 to 1000	\$((269.10)) <u>277.70</u>
1001 and over	\$((298.90)) <u>308.40</u>

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder) \$((~~64.90~~)) 66.90

(c) Circuits only.

Note:

Altered/added circuit fees are calculated per panelboard. Total cost of the alterations in a panel (or panels) should not exceed the cost of a new feeder (or feeders) of the same rating, as shown in subsection (2) COMMERCIAL/INDUSTRIAL (2)(a)(table) above.

- (i) First 5 circuits per branch circuit panel \$((~~59.40~~)) 61.30
- (ii) Each additional circuit per branch circuit panel \$((~~5.20~~)) 5.30
- (d) Over 600 volts surcharge per permit.** \$((~~59.40~~)) 61.30

(3) Temporary service(s).

Note:

(1) See WAC 296-46B-527 for information about temporary installations.
 (2) Temporary stage or concert inspections requested outside of normal business hours will be subject to the portal-to-portal hourly fees in subsection (11) OTHER INSPECTIONS. The fee for such after hours inspections shall be the greater of the fee from this subsection or the portal-to-portal fee.

Temporary services, temporary stage or concert productions.

Ampacity	Service or Feeder	Additional Feeder
0 to 60	\$((40.90)) <u>42.20</u>	\$((21.00)) <u>21.67</u>
61 to 100	\$((46.70)) <u>48.10</u>	\$((22.70)) <u>23.40</u>
101 to 200	\$((59.40)) <u>61.30</u>	\$((29.60)) <u>30.50</u>
201 to 400	\$((70.80)) <u>73.00</u>	\$((35.30)) <u>36.40</u>
401 to 600	\$((94.80)) <u>97.80</u>	\$((46.70)) <u>48.10</u>
601 and over	\$((107.50)) <u>110.94</u>	\$((53.60)) <u>55.30</u>

(4) Irrigation machines, pumps, and equipment.

Irrigation machines.

- (a) Each tower - when inspected at the same time as a service and feeder from (2) COMMERCIAL/INDUSTRIAL \$((~~5.20~~)) 5.30

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- (b) Towers - when not inspected at the same time as a service and feeders - 1 to 6 towers ~~\$(70.80)~~ 73.00
- (c) Each additional tower ~~\$(5.20)~~ 5.30

- (5) Miscellaneous - commercial/industrial and residential.**
- (a) **Low-voltage thermostats** controlling a single piece of utilization equipment.
- (i) First thermostat ~~\$(35.30)~~ 36.40
 - (ii) Each additional thermostat inspected at the same time as the first ~~\$(11.10)~~ 11.40

- (b) **Low-voltage systems and telecommunications systems.** Includes all telecommunications installations, fire alarm and burglar alarm, nurse call, intercom, security systems, energy management control systems, HVAC/refrigeration control systems (other than thermostats above), industrial and automation control systems, lighting control systems, stand-alone sound systems, public address, and similar low-energy circuits and equipment.
- (i) First 2500 sq. ft. or less ~~\$(40.90)~~ 42.20
 - (ii) Each additional 2500 sq. ft. or portion thereof ~~\$(11.10)~~ 11.40

- (c) **Signs and outline lighting.**
- (i) First sign (no service included) ~~\$(35.30)~~ 36.40
 - (ii) Each additional sign inspected at the same time on the same building or structure ~~\$(16.80)~~ 17.30
- (d) **Berth at a marina or dock.**

Note:
Five berths or more shall be permitted to have the inspection fees based on appropriate service and feeder fees from section (2) COMMERCIAL/INDUSTRIAL (a) (i) above.

- (i) Berth at a marina or dock ~~\$(46.70)~~ 48.10
 - (ii) Each additional berth inspected at the same time ~~\$(29.60)~~ 30.50
- (e) **Yard pole, pedestal, or other meter loops only.**
- (i) Yard pole, pedestal, or other meter loops only ~~\$(46.70)~~ 48.10
 - (ii) Meters installed remote from the service equipment and inspected at the same time as a service, temporary service or other installations ~~\$(11.10)~~ 11.40

- (f) **Emergency inspections requested outside of normal working hours.**
- Regular fee plus surcharge of: ~~\$(89.00)~~ 91.80
- (g) **Generators.**

Note:
Permanently installed generators: Refer to the appropriate residential or commercial new/altered service or feeder section.
Portable generators: Permanently installed transfer equipment for portable generators ~~\$(64.90)~~ 66.90

- (h) **Electrical - annual permit fee.**
- Note:**
See WAC 296-46B-900(14).

For commercial/industrial location employing full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor. Note, all yearly maintenance contracts must detail the number of contractor electricians necessary to complete the work required under the contract. This number will be used as a basis for calculating the appropriate fee. Each inspection is based on a 2-hour maximum.

	Inspections	Fee
1 to 3 plant electricians	12	\$(1,710.80) <u>1,765.50</u>
4 to 6 plant electricians	24	\$(3,423.30) <u>3,532.80</u>
7 to 12 plant electricians	36	\$(5,134.60) <u>5,298.90</u>

13 to 25 plant electricians	52	\$(6,847.10) <u>7,066.20</u>
More than 25 plant electricians	52	\$(8,559.60) <u>8,833.50</u>

- (i) **Telecommunications - annual permit fee.**
- Note:**
(1) See WAC 296-46B-900(13).
(2) Annual inspection time required may be estimated by the purchaser at the rate for "OTHER INSPECTIONS" in this section, charged portal-to-portal per hour.

For commercial/industrial location employing full-time telecommunications maintenance staff or having a yearly maintenance contract with a licensed electrical/telecommunications contractor.

- 2-hour minimum ~~\$(141.60)~~ 146.10
- Each additional hour, or portion thereof, of portal-to-portal inspection time ~~\$(70.80)~~ 73.00
- (j) **Permit requiring ditch cover inspection only.**

- Each 1/2 hour, or portion thereof ~~\$(35.30)~~ 36.40
- (k) **Cover inspection for elevator/conveyance installation. This item is only available to a licensed/registered elevator contractor.** ~~\$(59.40)~~ 61.30

- (6) **Carnival inspections.**
- (a) **First carnival field inspection each calendar year.**

- (i) Each ride and generator truck ~~\$(16.80)~~ 17.30
- (ii) Each remote distribution equipment, concession, or gaming show ~~\$(5.20)~~ 5.30
- (iii) If the calculated fee for first carnival field inspection above is less than \$89.00, the minimum inspection fee shall be: ~~\$(89.00)~~ 91.80

- (b) **Subsequent carnival inspections.**
- (i) First ten rides, concessions, generators, remote distribution equipment, or gaming show ~~\$(89.00)~~ 91.80
 - (ii) Each additional ride, concession, generator, remote distribution equipment, or gaming show ~~\$(5.20)~~ 5.30

- (c) **Concession(s) or ride(s) not part of a carnival.**
- (i) First field inspection each year of a single concession or ride, not part of a carnival ~~\$(70.80)~~ 73.00
 - (ii) Subsequent inspection of a single concession or ride, not part of a carnival ~~\$(46.70)~~ 48.10

- (7) **Trip fees.**
- (a) Requests by property owners to inspect existing installations. (This fee includes a maximum of one hour of inspection time. All inspection time exceeding one hour will be charged at the rate for progressive inspections.) ~~\$(70.80)~~ 73.00

- (b) Submitter notifies the department that work is ready for inspection when it is not ready. ~~\$(35.30)~~ 36.40
- (c) Additional inspection required because submitter has provided the wrong address or incomplete, improper or illegible directions for the site of the inspection. ~~\$(35.30)~~ 36.40

- (d) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work. ~~\$(35.30)~~ 36.40
- (e) Each trip necessary to remove a noncompliance notice. ~~\$(35.30)~~ 36.40

(f) Corrections that have not been made in the prescribed time, unless an exception has been requested and granted. \$((35-30)) 36.40

(g) Installations that are covered or concealed before inspection. \$((35-30)) 36.40

(8) Progress inspections.

Note:

The fees calculated in subsections (1) through (6) of this section will apply to all electrical work. This section will be applied to a permit where the permit holder has requested additional inspections beyond the number supported by the permit fee calculated at the rate in subsections (1) through (6) of this section.

On partial or progress inspections, each 1/2 hour. \$((35-30)) 36.40

(9) Plan review.

Fee is thirty-five percent of the electrical work permit fee as determined by WAC ((296-46-910)) 296-46B-905, plus a plan review submission and shipping/handling fee of:

(a) Supplemental submissions of plans per hour or fraction of an hour of review time. \$((70-80)) 73.00

(b) Plan review shipping and handling fee. \$((16-80)) 17.30

(10) Out-of-state inspections.

(a) Permit fees will be charged according to the fees listed in this section.

(b) Travel expenses:

All travel expenses and per diem for out-of-state inspections are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in subsection (11) of this section.

(11) Other inspections.

Inspections not covered by above inspection fees must be charged portal-to-portal per hour: \$((70-80)) 73.00

(12) Refund processing fee.

All requests for permit fee refunds will be assessed a processing fee. (Refund processing fees will not be charged for electrical contractors, using the contractor deposit system, who request less than twenty-four refunds during a rolling calendar year.) \$((11-10)) 11.40

(13) Variance request processing fee.

Variance request processing fee. This fee is nonrefundable once the transaction has been validated. \$((70-80)) 73.00

(14) Marking of industrial utilization equipment.

(a) Standard(s) letter review (per hour of review time). \$((70-80)) 73.00

(b) Equipment marking - charged portal-to-portal per hour: \$((70-80)) 73.00

(c) All travel expenses and per diem for in/out-of-state review and/or equipment marking are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in (b) of this subsection.

(15) Class B basic electrical work labels.

(a) **Block of twenty Class B basic electrical work labels (not refundable).** \$200.00

(b) Reinspection of Class B basic electrical work to assure that corrections have been made (per 1/2 hour). \$36.40

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-910 Electrical/telecommunications contractor's license, administrator certificate and examination, master electrician certificate and examination, temporary, electrician certificate and examination, temporary electrician permit, copy, and miscellaneous fees.

Notes: (1) The department will deny renewal of a license, certificate, or permit if an individual owes money as a result of an outstanding final judgment(s) to the department or is in revoked status. The department will deny application of a license, certificate, or permit if an individual is in suspended status.

(2) Certificates may be prorated for shorter renewal periods in one-year increments. Each year or part of a year will be calculated to be one year.

(3) The amount of the fee due is calculated based on the fee effective at the date payment is made.

(1) General or specialty contractor's license. (Nonrefundable after license has been issued.)

(a) **Per twenty-four-month period** \$((228-60)) 232.90

(b) **Reinstatement of a general or specialty contractor's license after a suspension** \$((45-90)) 47.30

(2) Master electrician/administrator/electrician/trainee certificate.

(a) **Examination application (nonrefundable)** \$((28-40)) 29.30

Administrator certificate examination application. (Required only for department administered examinations.) (Not required when testing with the department's contractor.)

(b) **Examination fees (nonrefundable)**

Note: Normal examination administration is performed by a state authorized contractor. The fees for such examinations are set by contract with the department. For written examinations administered by the department, use the following fee schedule.

(i) **Master electrician or administrator first-time examination fee (when administered by the department)** \$((68-40)) 70.50

(ii) **Master electrician or administrator retest examination fee (when administered by the department)** \$((80-00)) 82.50

(iii) **Journeyman or specialty electrician examination fee (first test or retest when administered by the department)** \$((51-40)) 53.00

(iv) **Certification examination review fee** \$((105-90)) 109.20

(c) Original certificates (nonrefundable after certificate has been issued)

(i) **Electrical administrator original certificate (except 09 telecommunication)** \$((102-15)) 105.40

(ii) **Telecommunications administrator original certificate (for 09 telecommunications)** \$((68-10)) 70.20

(iii) **Temporary specialty electrical administrator certificate (valid as allowed and described in WAC 296-46B-930(2)) (valid for twelve months)** \$((62-45)) 64.40

(iv) **Master electrician original certificate ("grandfather" request)** \$((129-15)) 133.20

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(v) Master electrician exam application (includes original certificate and application processing fee) \$(38.40) <u>29.30</u> is nonrefundable after application is submitted	\$(130.55) <u>134.70</u>
(vi) Journeyman or specialty electrician application (includes original certificate and application processing fee) \$(38.40) <u>29.30</u> is nonrefundable after application is submitted	\$(73.30) <u>75.60</u>
(vii) Training certificate	\$(36.00) <u>37.10</u>
(A) 0% supervision modified training certificate. Includes trainee update of hours (i.e., submission of affidavit of experience) \$(43.60) <u>44.90</u> is nonrefundable after application is submitted	\$(65.40) <u>67.40</u>
(B) 75% supervision modified (supervision) training certificate.	\$(43.60) <u>44.90</u>
(C) Unsupervised training certificate as allowed by RCW 19.28.161 (4)(b).	\$(21.80) <u>22.40</u>
(viii) Temporary electrician permit (valid as allowed and described in WAC 296-46B-940(27))	\$(22.70) <u>23.40</u>
(ix) Temporary specialty electrician permit (valid as allowed and described in WAC 296-46B-940(28)) \$(38.40) <u>29.30</u> is nonrefundable after the application for the original specialty electrician certificate is submitted \$(61.10) <u>52.70</u> is nonrefundable after temporary permit is issued	\$(96.00) <u>99.00</u>
(d) Certificate renewal (nonrefundable)	
(i) Master electrician or administrator certificate renewal	\$(129.15) <u>133.20</u>
(ii) Telecommunications (09) administrator certificate renewal	\$(86.10) <u>88.80</u>
(iii) Late renewal of master electrician or administrator certificate	\$(258.30) <u>266.50</u>
(iv) Late renewal of telecommunications (09) administrator certificate	\$(172.20) <u>177.70</u>
(v) Journeyman or specialty electrician certificate renewal	\$(68.10) <u>70.20</u>
(vi) Late renewal of journeyman or specialty electrician certificate	\$(136.20) <u>140.50</u>
(vii) Trainee certificate renewal or update of hours (i.e., submission of affidavit of experience)	\$(43.60) <u>44.90</u>
(e) Reciprocal certificate (nonrefundable)	
(i) Master electrician reciprocal certificate	\$(129.15) <u>132.20</u>
(ii) Journeyman or specialty electrician reciprocal certificate	\$(73.30) <u>75.60</u>
(f) Certificate - reinstatement (nonrefundable)	
(i) Reinstatement of a suspended master electrician or administrator's certificate (in addition to normal renewal fee)	\$(45.90) <u>47.30</u>
(ii) Reinstatement of suspended journeyman, or specialty electrician certificate (in addition to normal renewal fee)	\$(21.80) <u>22.40</u>
(g) Assignment/unassignment of master electrician/administrator designation (nonrefundable)	\$(34.00) <u>35.00</u>
(3) Certificate/license (—replacement for lost or damaged certificate/license. (Nonrefundable)) , (\$15.00)	(\$15.00)

(a) Replacement for lost or damaged certificate/license. (Nonrefundable.)	<u>15.40</u>
(b) Optional display quality General Master Electrician certificate.	<u>25.00</u>
(4) Continuing education courses or instructors. (Nonrefundable.)	
(a) (Continuing education course submittal and approval (per course))	<u>43.70</u>
(b) Continuing education course renewal (per course)	<u>21.80</u>
If the course or instructor review is performed by the electrical board or the department	
The course or instructor review	<u>45.00</u>
(b) If the course or instructor review is contracted out by the electrical board or the department	
(i) Continuing education course or instructor submittal and approval (per course or instructor)	<u>As set in contract</u>
(ii) Applicant's request for review, by the chief electrical inspector, of the contractor's denial	<u>109.50</u>
(5) Copy fees. (Nonrefundable.)	
(a) Certified copy of each document (maximum charge per file):	\$(48.30) <u>49.80</u>
((a)) (i) First page:	\$(21.80) <u>22.40</u>
((b)) (ii) Each additional page:	<u>2.00</u>
(b) Replacement RCW/WAC printed document:	<u>5.00</u>
(6) Refund processing fee. (Nonrefundable.)	\$(11.40) <u>11.40</u>
(7) Training school program review fees. Initial training school program review fee. (Nonrefundable.)	
(a) Initial training school program review fee submitted for approval. Valid for three years or until significant changes in program content or course length are implemented (see WAC 296-46B-971(4)).	\$(500.00) <u>516.00</u>
(b) Renewal of training school program review fee submitted for renewal. Valid for 3 years or until significant changes in program content or course length are implemented (see WAC 296-46B-971(4)).	\$(250.00) <u>258.00</u>

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-911 Electrical testing laboratory fees.
The amount of the fee due is calculated based on the fee effective at the date payment is made.

Initial filing fee: (Nonrefundable)	\$(500.00) <u>516.00</u>
Initial accreditation fee:	
1 product category	\$(250.00) <u>258.00</u>
Each additional category for the next 19 categories	\$(100.00) <u>103.20</u> each
Maximum for 20 categories or more	\$(2150.00) <u>2,218.80</u>
Renewal fee: (Nonrefundable)	50% of initial filing fee
Renewal of existing accreditations	
Each additional category for the next 19 categories	\$(100.00) <u>103.20</u> each
Maximum for 20 categories or more	\$(2150.00) <u>2,218.80</u>

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-915 Civil penalty schedule.

Notes: (A) Each day that a violation occurs will be a separate offense.

(B) Once a violation of chapter 19.28 RCW or chapter 296-46B WAC becomes a final judgment, any additional violation within three years becomes a "second" or "additional" offense subject to an increased penalty as set forth in the following tables.

(C) In case of continued, repeated or gross violation of the provisions of chapter 19.28 RCW or this chapter, or if property damage or bodily injury occurs as a result of the failure of a person, firm, partnership, corporation, or other entity to comply with chapter 19.28 RCW or this chapter the department may double the penalty amounts shown in subsections (1) through (13) of this section.

(D) A person, firm, partnership, corporation or other entity who violates a provision of chapter 19.28 RCW or chapter 296-46B WAC is liable for a civil penalty based upon the following schedule.

(E) ~~((The penalty amount will be waived for the first offense. If a subsequent offense occurs within a three-year period, the first offense penalty amount will be reinstated and immediately due and payable without further right of appeal.))~~ Upon written request to the chief electrical inspector, the penalty amount will be waived for the first citation issued within a three-year period. The written request must be received by the department no later than twenty days after notice of penalty. If a subsequent citation is issued within a three-year period and found to be a final judgment, the penalty amount for the first citation will be reinstated and immediately due and payable. Penalty waivers will not be granted for any citation being appealed under WAC 296-46B-995(11).

(1) Offering to perform, submitting a bid for, advertising, installing or maintaining cables, conductors or equipment:

(a) That convey or utilize electrical current without having a valid electrical contractor's license.

(b) Used for information generation, processing, or transporting of signals optically or electronically in telecommunications systems without having a valid telecommunications contractor's license.

First offense:	\$500
Second offense:	\$1,500
Third offense:	\$3,000
Each offense thereafter:	\$6,000

(2) Employing an individual for the purposes of chapter 19.28 RCW who does not possess a valid certificate of competency or training certificate to do electrical work.

First offense:	\$100 ((see note E))
Each offense thereafter:	\$500

(3) Performing electrical work without having a valid certificate of competency or electrical training certificate.

First offense:	\$250
Each offense thereafter:	\$500

(4) Employing electricians and electrical trainees for the purposes of chapter 19.28 RCW in an improper ratio. Contractors found to have violated this section three times in a three-year period must be the subject of an electrical audit in accordance with WAC 296-46B-975.

First offense:	\$250
Each offense thereafter:	\$500

(5) Failing to provide proper supervision to an electrical trainee as required by chapter 19.28 RCW. Contractors found to have violated this section three times in a three-year period must be the subject of an electrical audit in accordance with WAC 296-46B-975.

First offense:	\$250
Each offense thereafter:	\$500

(6) Working as an electrical trainee without proper supervision as required by chapter 19.28 RCW.

First offense:	\$50 (see note E)
Second offense:	\$250
Each offense thereafter:	\$500

(7) Offering, bidding, advertising, or performing electrical or telecommunications installations, alterations or maintenance outside the scope of the firm's specialty electrical or telecommunications contractors license.

First offense:	\$500
Second offense:	\$1,500
Third offense:	\$3,000
Each offense thereafter:	\$6,000

(8) Selling or exchanging electrical equipment associated with spas, hot tubs, swimming pools or hydromassage bathtubs which are not listed by an approved laboratory.

First offense:	\$500
Second offense:	\$1,000
Each offense thereafter:	\$2,000

Definition: The sale or exchange of electrical equipment associated with hot tubs, spas, swimming pools or hydromassage bathtubs includes to: "Sell, offer for sale, advertise, display for sale, dispose of by way of gift, loan, rental, lease, premium, barter or exchange."

(9) Covering or concealing installations prior to inspection.

First offense:	\$250 (see note E)
Second offense:	\$1,000
Each offense thereafter:	\$2,000

(10) Failing to make corrections within fifteen days of notification by the department.

Exception: Where an extension has been requested and granted, this penalty applies to corrections not completed within the extended time period.

First offense:	\$250 (see note E)
Second offense:	\$1,000
Each offense thereafter:	\$2,000

(11) Failing to obtain or post an electrical/telecommunications work permit prior to beginning the electrical/telecommunications installation or alteration.

Exception: In cases of emergency repairs to existing electrical/telecommunications systems, this penalty will not be charged if the permit is obtained and posted no later than the business day following beginning work on the emergency repair.

First offense:	\$250
Homeowner - First offense:	\$50
Second offense:	\$1,000
Each offense thereafter:	\$2,000

(12) Violating chapter 19.28 RCW duties of the electrical/telecommunications administrator.

First offense:	\$100 (see note E except for RCW 19.28.061 (5)(a) or 19.28.430 (3)(a))
Second offense:	\$750

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Third offense:	\$1,500
Each offense thereafter:	\$3,000
(13) Violating any of the provisions of chapter 19.28 RCW or chapter 296-46B WAC which are not identified in subsections (1) through (12) of this section.	
RCW 19.28.161 through 19.28.271 and the rules developed pursuant to them.	
First offense:	\$250
Each offense thereafter:	\$500
All other chapter 19.28 RCW provisions and the rules developed pursuant to them.	
First offense:	\$250
Second offense:	\$750
Each offense thereafter:	\$2,000

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-920 Electrical/telecommunications license/certificate types and scope of work. (1) **General electrical (01):** A general electrical license and/or certificate encompasses all phases and all types of electrical and telecommunications installations.

(2) All specialties listed in this subsection may perform the work described within their specific specialty as allowed by the occupancy and location described within the specialty's scope of work. **Specialty** (limited) electrical licenses and/or certificates are as follows:

(a) **Residential (02):** Limited to the telecommunications, low voltage, and line voltage wiring of one- and two-family dwellings, or multifamily dwellings not exceeding three floors above grade. All wiring is limited to nonmetallic sheathed cable, except for services and/or feeders, exposed installations where physical protection is required, and for wiring buried below grade.

(i) This specialty also includes the wiring for ancillary structures such as, but not limited to: Appliances, equipment, swimming pools, septic pumping systems, domestic water systems, limited energy systems (e.g., doorbells, intercoms, fire alarm, burglar alarm, energy control, HVAC/refrigeration, etc.), multifamily complex offices/garages, site lighting when supplied from the residence or ancillary structure, and other structures directly associated with the functionality of the residential units.

(ii) This specialty does not include wiring occupancies defined in WAC 296-46B-010((12)) (14), or commercial occupancies such as: Motels, hotels, offices, assisted living facilities, or stores.

(b) **Pump and irrigation (03):** Limited to the electrical connection of circuits, feeders, controls, low voltage, related telecommunications, and services to supply: Domestic and irrigation water pumps, circular irrigating system's pumps and pump houses.

This specialty may also perform the work defined in (c) of this subsection (see Table 920-1).

(c) **Domestic well (03A):** Limited to the extension of a branch circuit, which is supplied and installed by others, to signaling circuits, motor control circuits, motor control devices, and pumps which do not exceed 7 1/2 horsepower at

250 volts AC single phase used in residential potable water or residential sewage disposal systems.

(d) **Signs (04):** Limited to placement and connection of signs and outline lighting, the electrical supply, related telecommunications, controls and associated circuit extensions thereto; and the installation of a maximum 60 ampere, 120/240 volt single phase service to supply power to a remote sign only. This specialty may service, maintain, or repair exterior luminaires that are mounted on a pole or other structure with like-in-kind components.

(i) Electrical licensing/certification is not required to:

(A) Clean the nonelectrical parts of an electric sign;

(B) To form or pour a concrete pole base used to support a sign;

(C) To operate machinery used to assist an electrician in mounting an electric sign or sign supporting pole; or

(D) To assemble the structural parts of a billboard.

(ii) Electrical licensing/certification is required to: Install, modify, or maintain a sign, sign supporting pole, sign face, sign ballast, lamp socket, lamp holder, disconnect switch, or any other part of a listed electric sign.

(e) **Limited energy system (06):** Limited to the installation of signaling and power limited circuits and related equipment. This specialty is restricted to low-voltage circuits. This specialty includes the installation of telecommunications, HVAC/refrigeration low-voltage wiring, fire protection signaling systems, intrusion alarms, energy management and control systems, industrial and automation control systems, lighting control systems, commercial and residential amplified sound, public address systems, and such similar low-energy circuits and equipment in all occupancies and locations.

Limited energy electrical contractors may perform all telecommunications work under their specialty (06) electrical license and administrator's certificate.

On the effective date of this rule, any entity holding a currently valid electrical contractor's license, electrical administrator's certificate, master specialty electrician's certificate, or specialty electrician's certificate in this specialty will be issued combination specialty status for HVAC/refrigeration (06A) at no cost and without examination.

(f) **HVAC/refrigeration systems:**

(i) See WAC 296-46B-020 for specific HVAC/refrigeration definitions.

(ii) For the purposes of this section when a component is replaced, the replacement must be like-in-kind or made using the equipment manufacturer's authorized replacement component.

(iii) The HVAC/refrigeration specialties described in (f)(v) and (vi) of this subsection may:

(A) Install HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in all residential occupancies;

(B) Install, repair, replace, and maintain line voltage components within HVAC/refrigeration equipment. Such line voltage components include product illumination luminaires installed within and powered from the HVAC/refrigeration system (e.g., reach-in beverage coolers, frozen food cases, produce cases, etc.) and new or replaced factory authorized accessories such as internally mounted outlets;

(C) Repair, replace, or maintain the internal components of the HVAC/refrigeration equipment disconnecting means or controller so long as the disconnecting means or controller is not located within a motor control center or panelboard (see Figure 920-1 and Figure 920-2);

(D) Install, repair, replace, and maintain short sections of raceway to provide physical protection for low-voltage cables. For the purposes of this section a short section cannot mechanically interconnect two devices, junction boxes, or other equipment or components; and

(E) Repair, replace, or maintain line voltage flexible supply whips not over six feet in length, provided there are no modifications to the characteristics of the branch circuit/feeder load being supplied by the whip. There is no limitation on the whip raceway method (e.g., metallic replaced by nonmetallic).

(iv) The HVAC/refrigeration specialties described in (f)(v) and (vi) of this subsection may not:

(A) Install line voltage controllers or disconnect switches external to HVAC/refrigeration equipment;

(B) Install, repair, replace, or maintain:

- Integrated building control systems, other than HVAC/refrigeration systems;

- Single stand-alone line voltage equipment or components (e.g., heat cable, wall heaters, radiant panel heaters, baseboard heaters, contactors, motor starters, and similar equipment) unless the equipment or component:

Is exclusively controlled by the HVAC/refrigeration system and requires the additional external connection to a mechanical system(s) (e.g., connection to water piping, gas piping, refrigerant system, ducting for the HVAC/refrigeration system, gas fireplace flume, ventilating systems, etc. (i.e., as in the ducting connection to a bathroom fan)). The external connection of the equipment/component to the mechanical system must be required as an integral component allowing the operation of the HVAC/refrigeration system; or

Contains a HVAC/refrigeration mechanical system(s) (e.g., water piping, gas piping, refrigerant system, etc.) within the equipment (e.g., "through-the-wall" air conditioning units, self-contained refrigeration equipment, etc.);

- Luminaires that serve as a building or structure lighting source, even if mechanically connected to a HVAC/refrigeration system (e.g., troffer luminaire used as a return air device, lighting within a walk-in cooler/freezer used for personnel illumination);

- Raceway/conduit systems;

- Line voltage: Service, feeder, or branch circuit conductors. However, if a structure's feeder/branch circuit supplies HVAC/refrigeration equipment containing a supplementary overcurrent protection device(s), this specialty may install the conductors from the supplementary overcurrent device(s) to the supplemental HVAC/refrigeration equipment if the supplementary overcurrent device and the HVAC/refrigeration equipment being supplied are located within sight of each other (see Figure 920-2); or

- Panelboards, switchboards, or motor control centers external to HVAC/refrigeration system.

(v) HVAC/refrigeration (06A):

(A) This specialty is not limited by voltage, phase, or amperage.

(B) No unsupervised electrical trainee can install, repair, replace, or maintain any part of a HVAC/refrigeration system that contains any circuit rated over 600 volts whether the circuit is energized or deenergized.

(C) This specialty may:

- Install HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in other than residential occupancies:

That have no more than three floors on/above grade; or
Regardless of the number of floors above grade if the installation:

- Does not pass between floors;

- Is made in a previously occupied and wired space; and

- Is restricted to the HVAC/refrigeration system;

- Repair, replace, and maintain HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in all occupancies regardless of the number of floors on/above grade.

(D) This specialty may not install, repair, replace, or maintain: Any electrical wiring governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations) located outside the HVAC/refrigeration equipment.

(vi) HVAC/refrigeration - restricted (06B):

(A) This specialty may not perform any electrical work where the primary electrical power connection to the HVAC/refrigeration system exceeds: 250 volts, single phase, or 120 amps.

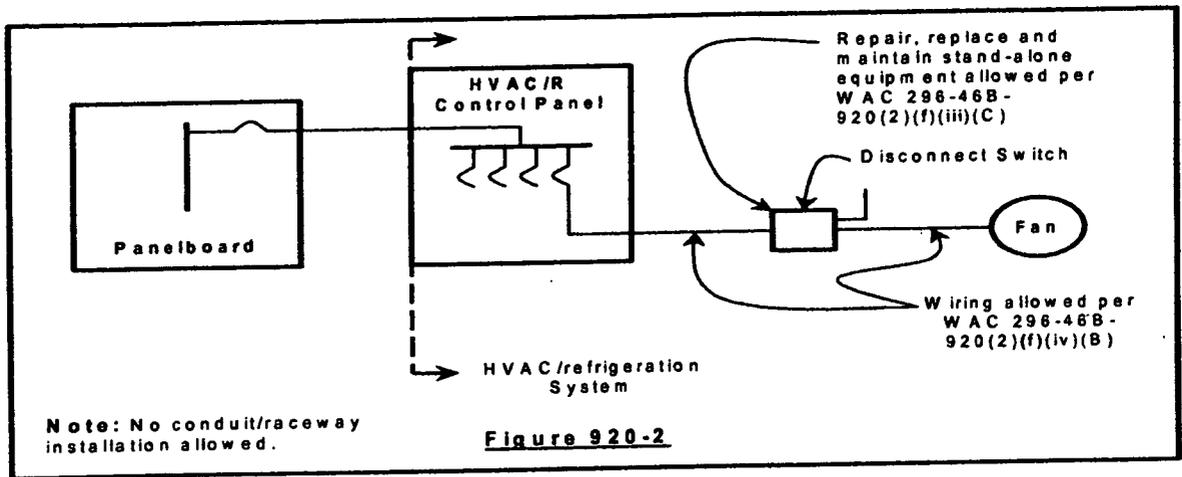
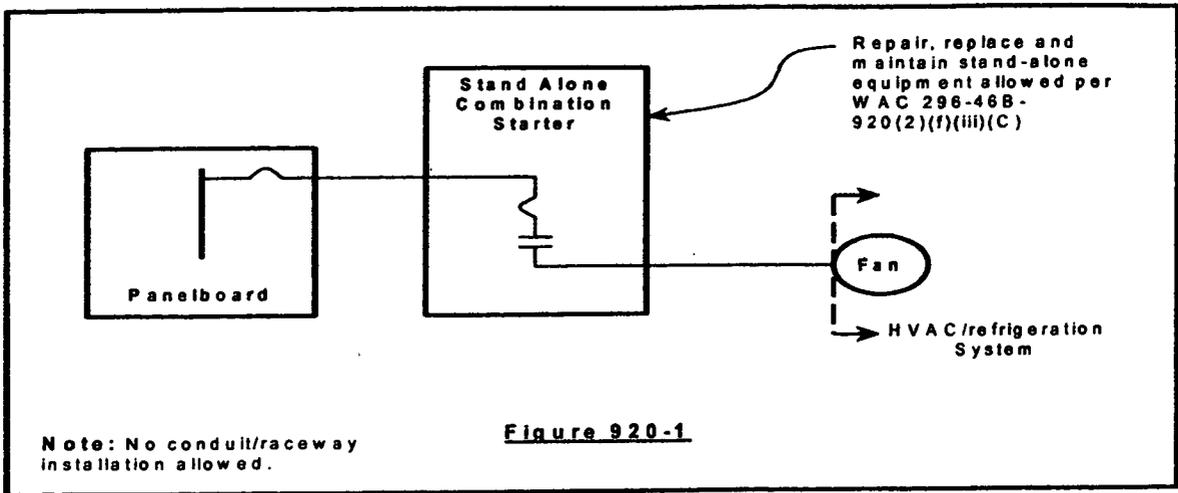
(B) This specialty may install, repair, replace, or maintain HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in other than residential occupancies that have no more than three floors on/above grade.

(C) This specialty may not install, repair, replace, or maintain:

- The allowed telecommunications/low-voltage HVAC/refrigeration wiring in a conduit/raceway system; or

- Any electrical work governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

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(g) **Nonresidential maintenance (07):** Limited to maintenance, repair and replacement of like-in-kind existing electrical equipment and conductors (~~on industrial or commercial premises~~). This specialty does not include maintenance activities in residential dwellings defined in (a) of this subsection for the purposes of accumulating training experience toward qualification for the residential (02) specialty electrician examination.

This specialty may perform the work defined in (h), (i), (j), (k), and (l) of this subsection (see Table 920-1).

(h) **Nonresidential lighting maintenance and lighting retrofit (07A):** Limited to working within the housing of existing nonresidential luminaires for work related to repair, service, maintenance of luminaires and installation of energy efficiency lighting retrofit upgrades. This specialty includes replacement of lamps, ballasts, sockets and the installation of listed lighting retrofit reflectors and kits. All work is limited to the luminaire body, except remote located ballasts may be replaced or retrofitted with approved products. This specialty does not include installing new luminaires or branch circuits;

moving or relocating existing luminaires; or altering existing branch circuits.

(i) **Residential maintenance (07B):** This specialty is limited to residential dwellings as defined in WAC 296-46B-920 (2)(a), multistory dwelling structures with no commercial facilities, and the interior of dwelling units in multistory structures with commercial facilities. This specialty may maintain, repair, or replace (like-in-kind) existing luminaires, water heating equipment, ranges, electric heaters, similar household type appliances, and all permit exempted work as defined in WAC 296-46B-900.

This specialty is limited to equipment and circuits to a maximum of 250 volts, 60 amperes, and single phase maximum.

This specialty may disconnect and reconnect low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit or whip.

For the purpose of this specialty, "electrical equipment" does not include electrical conductors, raceway or conduit systems external to the equipment or whip.

(j) **Restricted nonresidential maintenance (07C):** This specialty may maintain, repair, or replace (like-in-kind) existing luminaires, water heating equipment, ranges, electric heaters, similar household type appliances, and all permit exempted work as defined in WAC 296-46B-900 except for the replacement or repair of circuit breakers.

This specialty is limited to equipment and circuits to a maximum of 277 volts and 20 amperes for lighting branch circuits only and/or maximum 250 volts and 60 amperes for other circuits.

The replacement of luminaires is limited to in-place replacement required by failure of the luminaire to operate. Luminaires installed in suspended lay-in tile ceilings may be relocated providing: The original field installed luminaire supply whip is not extended or relocated to a new supply point; or if a manufactured wiring assembly supplies luminaire power, a luminaire may be relocated no more than eight feet providing the manufactured wiring assembly circuiting is not changed.

This specialty may disconnect and reconnect low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit. For the purpose of this specialty, "electrical equipment" does not include electrical conductors, raceway or conduit systems external to the equipment or whip.

This specialty may perform the work defined in (h) and (i) of this subsection (see Table 920-1).

This specialty cannot perform any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

(k) **Appliance repair (07D):** Servicing, maintaining, repairing, or replacing household appliances, small commercial/industrial appliances, and other small utilization equipment.

(((i) For the purposes of this subsection:

(A) The appliance or utilization equipment must be self-contained and built to standardized sizes or types. The appliance/equipment must be connected as a single unit to a single source of electrical power limited to a maximum of 250 volts, 60 amperes, single phase.

(B) Appliances and utilization equipment include, but are not limited to: Dish washers, ovens, water heating equipment, office equipment, vehicle repair equipment, commercial kitchen equipment, self-contained hot tubs and spas, grinders, and seals.

(C) Appliances and utilization equipment do not include systems and equipment such as: Alarm/energy management/similar systems, luminaires, furnaces/heaters/air conditioners/heat pumps, sewage disposal equipment, door/gate/similar equipment, or individual components installed so as to create a system (e.g., pumps, switches, controllers, etc.).

(ii) This specialty includes:

(A) The in-place like-in-kind replacement of the appliance or equipment if the same unmodified electrical circuit is used to supply the equipment being replaced. This specialty also includes the like-in-kind replacement of electrical components within the appliance or equipment;

(B) The disconnection and reconnection of low-voltage control and line-voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit; and

(C) The installation of an outlet box and outlet at an existing appliance or equipment location when converting the appliance from a permanent electrical connection to a plug and cord connection. Other than the installation of the outlet box and outlet, there can be no modification to the existing branch circuit supplying the appliance or equipment.

(iii) This specialty does not include:

(A) The installation, repair, or modification of branch circuits conductors, services, feeders, panelboards, disconnect switches, or raceway/conductor systems interconnecting multiple appliances, equipment, or other electrical components.

(B) Any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).))

(l) **Equipment repair (07E):** Servicing, maintaining, repairing, or replacing utilization equipment.

(((i) For the purposes of this subsection:

(A) The utilization equipment must be:
Self-contained on a single skid or frame;
Factory built to standardized sizes or types;

Connected as a single unit to a single source of electrical power limited to a maximum of 600 volts. The equipment may also be connected to a separate single source of electrical control power limited to a maximum of 250 volts; and

Listed or field-evaluated by a laboratory or approved by the department under WAC 296-46B-030. See WAC 296-46B-430 for additional information on motors.

(B) Equipment includes, but is not limited to: Household type appliances, water heating equipment, office equipment, vehicle repair equipment, commercial kitchen equipment, self-contained hot tubs and spas, motors, pumps, grinders, seals, vehicle repair equipment, welders, air compressors, blowers, dryers, cranes/lifts, kilns, commercial/industrial utilization equipment, commercial/industrial water processing equipment, and similar utilization equipment.

(C) Equipment does not include systems and equipment such as: Alarm/energy management/similar systems, luminaires, furnaces/heaters/air conditioners/heat pumps used for the conditioning of occupant air, or door/gate/similar equipment.

(ii) This specialty includes:

(A) The in-place, like-in-kind replacement of the equipment if the same unmodified electrical circuit is used to supply the equipment being replaced;

(B) The in-place, like-in-kind replacement or repair of electrical components within the equipment;

(C) The in-place, like-in-kind replacement or repair of remote control components that are integral to the operation of the equipment (e.g., telemetry signaling devices, pressure switches, limit switches, photoelectric sensors, etc.); or

(D) The disconnection, replacement, and reconnection of low-voltage control and line-voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit.

~~(iii) This specialty does not include the installation, repair, or modification of wiring that interconnects equipment and/or remote components, branch circuit conductors, services, feeders, panelboards, disconnect switches, or raceway/conductor systems interconnecting multiple equipment or other electrical components.) See RCW 19.28.095 for the equipment repair scope of work.~~

(m) **Telecommunications (09):** Limited to the installation, maintenance, and testing of telecommunications systems, equipment, and associated hardware, pathway systems, and cable management systems.

(i) This specialty includes:

(A) Installation of open wiring systems of telecommunications cables.

(B) Surface nonmetallic raceways designated and used exclusively for telecommunications.

(C) Optical fiber innerduct raceway.

(D) Underground raceways designated and used exclusively for telecommunications and installed for additions or extensions to existing telecommunications systems not to exceed fifty feet inside the building.

(E) Incidental short sections of circular or surface metal raceway, not to exceed ten feet, for access or protection of telecommunications cabling and installation of cable trays and ladder racks in telecommunications service entrance rooms, spaces, or closets.

(F) Audio or paging systems where the amplification is integrated into the telephone system equipment.

(G) Audio or paging systems where the amplification is provided by equipment listed as an accessory to the telephone system equipment and requires the telephone system for the audio or paging system to function.

(H) Closed circuit video monitoring systems if there is no integration of line or low-voltage controls for cameras and equipment. Remote controlled cameras and equipment are considered (intrusion) security systems and must be installed by appropriately licensed electrical contractors and certified electricians.

(ii) This specialty does not include horizontal cabling used for fire protection signaling systems, intrusion alarms, access control systems, patient monitoring systems, energy management control systems, industrial and automation control systems, HVAC/refrigeration control systems, lighting control systems, and stand-alone amplified sound or public address systems. Telecommunications systems may interface with other building signal systems including security, alarms, and energy management at cross-connection junctions within telecommunications closets or at extended points of demarcation. Telecommunications systems do not include the installation or termination of premises line voltage service, feeder, or branch circuit conductors or equipment. Horizontal cabling for a telecommunications outlet, necessary to interface with any of these systems outside of a telecommunications closet, is the work of the telecommunications contractor.

(n) **Door, gate, and similar systems (10):** This specialty may install, service, maintain, repair, or replace door/gate/similar systems electrical operator wiring and equipment.

(i) For the purposes of this subsection, door/gate/similar systems electrical operator systems include electric gates, doors, windows, awnings, movable partitions, curtains and similar systems. These systems include, but are not limited to: Electric gate/door/similar systems operators, control push buttons, key switches, key pads, pull cords, air and electric treadle, air and electric sensing edges, coil cords, take-up reels, clocks, photo electric cells, loop detectors, motion detectors, remote radio and receivers, antenna, timers, lock-out switches, stand-alone release device with smoke detection, strobe light, annunciator, control panels, wiring and termination of conductors.

(ii) This specialty includes:

(A) Low-voltage, NEC Class 2, door/gate/similar systems electrical operator systems where the door/gate/similar systems electrical operator system is not connected to other systems.

(B) Branch circuits originating in a listed door/gate/similar systems electric operator control panel that supplies only door/gate/similar systems system components providing: The branch circuit does not exceed 600 volts, 20 amperes and the component is within sight of the listed door/gate/similar systems electric operator control panel.

(C) Reconnection of line voltage power to a listed door/gate/similar systems electric operator control panel is permitted provided:

- There are no modifications to the characteristics of the branch circuit/feeder;

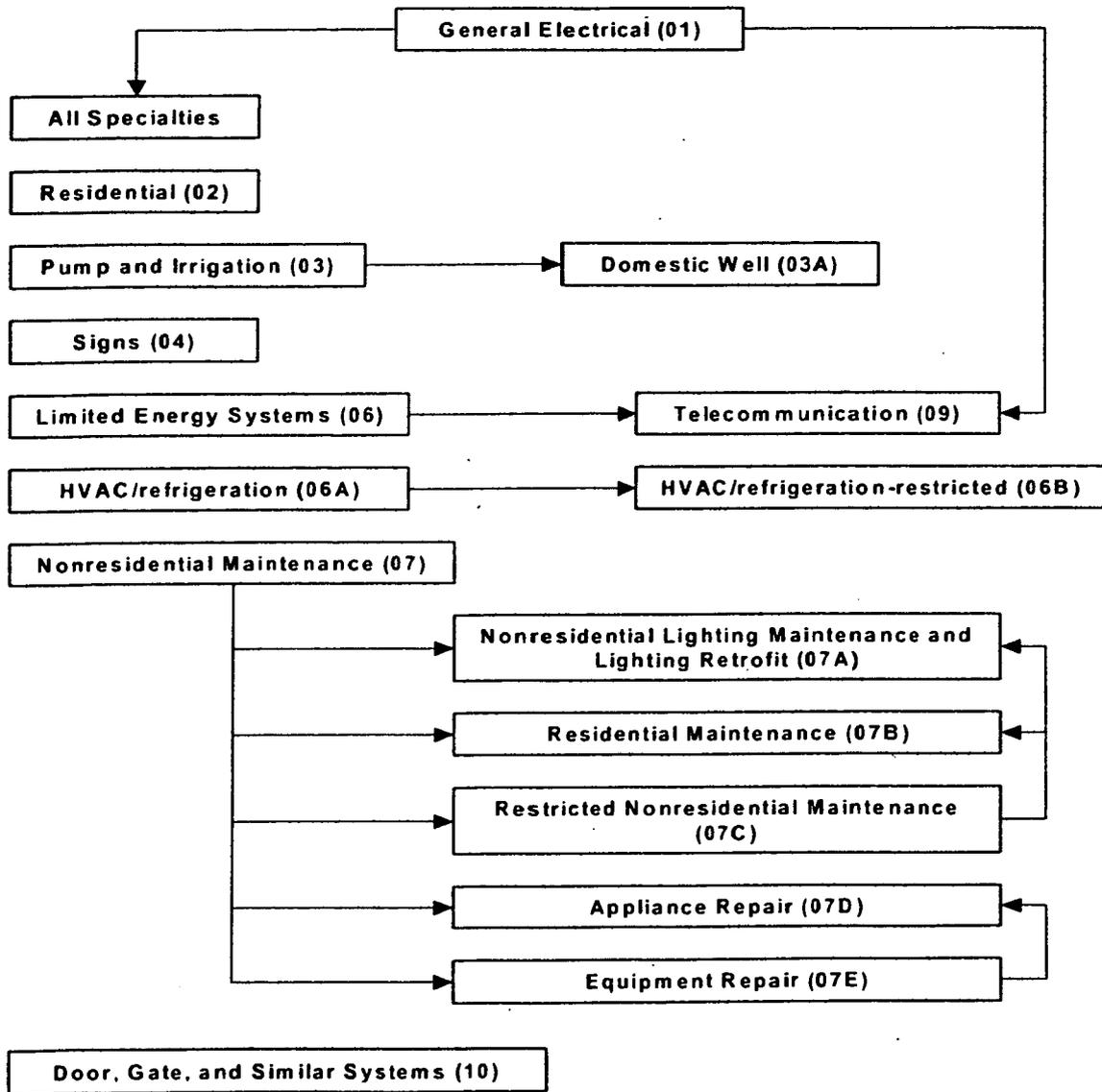
- The circuit/feeder does not exceed 600 volts, 20 amperes; and

- The conductor or conduit extending from the branch circuit/feeder disconnecting means or junction box does not exceed six feet in length.

(iii) This specialty does not include any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations). This specialty may not install, repair, or replace branch circuit (line voltage) conductors, services, feeders, panelboards, or disconnect switches supplying the door/gate/similar systems electric operator control panel.

(3) A specialty electrical contractor, other than the (06) limited energy specialty electrical contractor, may only perform telecommunications work within the equipment or occupancy limitations of their specialty electrical contractor's license. Any other telecommunications work requires a telecommunications contractor's license.

Table 920-1 Allowed Scope of Work Crossover



PROPOSED

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-925 Electrical/telecommunications contractor's license. General.

(1) The department will issue an electrical/telecommunications contractor's license that will expire twenty-four months following the date of issue to a person, firm, partnership, corporation or other entity that complies with requirements for such license in chapter 19.28 RCW. An electrical/telecommunications contractor's license will not be issued to or renewed for a person, firm, or partnership unless the Social Security number, date of birth, and legal address of the individual legal owner(s) are submitted with the application. The department may issue an electrical/telecommunications contractor's license for a period greater or less than

twenty-four months for the purpose of equalizing the number of electrical contractor's licenses that expire each month. The department may prorate the electrical/telecommunications contractor's license fee according to the license period.

(2) Combination specialty contractor's license. The department may issue a combination specialty contractor's license to a firm that qualifies for more than one specialty electrical contractor's license. The assigned administrator must be certified in all specialties applicable to the combination specialty contractor's license. The license will plainly indicate the specialty licenses' codes included in the combination license. An administrator assigned to a telecommunications contractor must be certified as a telecommunications administrator. A combination license will not be issued for telecommunications (09).

(3) The department may deny renewal of an electrical/telecommunications contractor's license if a firm, an owner, partner, member, or corporate officer owes money as a result of an outstanding final judgment(s) to the department.

Electrical/telecommunications contractor cash or securities deposit.

(4) Cash or securities deposit. The electrical/telecommunications contractor may furnish the department with a cash or security deposit to meet the bond requirements in lieu of posting a bond. A cash or security deposit assigned to the department for bond requirements will be held in place for one year after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as an electrical/telecommunications contractor. Upon written request, the cash or security deposit will then be released by the department providing there is no pending legal action against the contractor under chapter 19.28 RCW of which the department has been notified.

Telecommunications contractor insurance.

(5) To obtain a telecommunications contractor's license, the applicant must provide the department with an original certificate of insurance naming the department of labor and industries, electrical section as the certificate holder. Insurance coverage must be no less than twenty thousand dollars for injury or damages to property, fifty thousand dollars for injury or damage including death to any one person, and one hundred thousand dollars for injury or damage including death to more than one person. The insurance will be considered a continuing obligation unless canceled by the insurance company. The insurance company must notify the department in writing ten days prior to the effective date of said cancellation or failure to renew.

(6) The telecommunications contractor may furnish the department with an assigned account to meet the insurance requirements in lieu of a certificate of insurance. An account assigned to the department for insurance requirements will be held in place for three years after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as a telecommunications contractor. Upon written request, the account then will be released by the department providing there is no pending legal action against the contractor under chapter 19.28 RCW of which the department has been notified.

Electrical/telecommunications contractor exemptions.

(7) The following types of systems and circuits are considered exempt from the requirements for licensing and permitting described in chapter 19.28 RCW. The electrical failure of these systems does not inherently or functionally compromise safety to life or property.

Low-voltage thermocouple derived circuits and low-voltage circuits for:

- (a) Built-in residential vacuum systems;
- (b) Underground landscape sprinkler systems;
- (c) Underground landscape lighting; and
- (d) Residential garage doors.

For these types of systems and circuits to be considered exempt, the following conditions must be met:

(e) The power supplying the installation must be derived from a listed Class 2 power supply;

(f) The installation and termination of line voltage equipment and conductors supplying these systems is performed by appropriately licensed and certified electrical contractors and electricians;

(g) The conductors of these systems do not pass through fire-rated walls, fire-rated ceilings or fire-rated floors in other than residential units; and

(h) Conductors or luminaires are not installed in installations covered by the scope of Article 680 NEC (swimming pools, fountains, and similar installations).

(8) Firms who clean and/or replace lamps in luminaires are not included in the requirements for licensing in chapter 19.28 RCW. This exemption does not apply to electric signs as defined in the NEC.

(9) Firms who install listed plug and cord connected equipment are not included in the requirements for licensing in chapter 19.28 RCW. The plug and cord must be a single listed unit consisting of a molded plug and cord and not exceed 250 volt 60 ampere single phase. The plug and cord can be field installed per the manufacturer's instructions and the product listing requirements. The equipment must be a single manufactured unit that does not require any electrical field assembly except for the installation of the plug and cord.

(10) Firms regulated by the Federal Communications Commission or the utilities and transportation commission, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

(11) Unregulated firms, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

(12) Leaseholders. For electrical installations, maintenance, or alterations to existing buildings only, any person, firm, partnership, corporation, or other entity holding a valid, signed lease from the property owner authorizing the leaseholder to perform electrical work, on the property the leaseholder occupies, will be allowed to purchase an electrical permit(s) and do electrical work on or within the property described in the lease. The lessee and/or his or her regularly employed employees must perform the electrical installation, maintenance and alteration.

The lessee who performs the electrical maintenance or installation work must be the sole occupant of the property or space. Property owners or leaseholders cannot perform electrical work on new buildings for rent, sale, or lease, without the proper electrical licensing and certification. Refer to RCW 19.28.261 for exemptions from licensing and certification.

(13) Assisting a householder. A friend, neighbor, relative, or other person (including a certified electrician) may assist a householder, at his/her residence in the performance of electrical work on the condition that the householder is

present when the work is performed and the person assisting the householder does not accept money or other forms of compensation for the volunteer work. For the purposes of this subsection, a residence is a single-family residence.

(14) Volunteering to do electrical work. There are no exceptions from the electrical contractor's license or electrician certification requirements to allow persons to perform volunteer electrical work for anyone other than a householder or a nonprofit organization as allowed by RCW 19.28.091(7). For the purpose of this section, volunteer means that there is no remuneration or receiving of goods or services in return for electrical installations performed.

~~(Volunteering for nonprofit organizations such as churches, senior centers, etc., is generally not allowed. Volunteering for these types of organizations may be allowed under the following guidelines:~~

~~(a) A local nonprofit organization, whose members own the building or structure, may solicit a volunteer electrical contractor to oversee the electrical installation. The organization's members or other persons may volunteer to perform electrical work for the organization, under the supervision of the volunteer electrical contractor, if they are properly certified by the department as electricians or trainees.~~

~~(b) The volunteer electrical contractor and its administrator will be responsible to maintain proper ratio, per RCW 19.28.161, of certified electricians to certified trainees on the job site at all times. The volunteer electrical contractor must either provide on-site supervision or designate one of the volunteer electricians as the on-site supervisor.~~

~~(c) The volunteer electrical contractor must purchase the electrical work permit, and ensure that the electrical installation is in compliance with the requirements of chapter 19.28 RCW and chapter 296-46B WAC.)~~

(15) Farms or place of business. See RCW 19.28.261 for licensing/certification exemptions allowed for the owner(s) of a farm or other place of business and for the employees of the owner.

Exemptions - electrical utility and electrical utility's contractor.

(16) Electrical utility system exemption. Neither a serving electrical utility nor a contractor employed by the serving electrical utility is required to have an electrical contractor's license for work on the "utility system" or on service connections or on meters and other apparatus or appliances used to measure the consumption of electricity.

(a) Street lighting exemption. A serving electrical utility is not required to have an electrical contractor's license or electrical permit to work on electrical equipment used in the lighting of streets, alleys, ways, or public areas or squares.

Utilities are allowed to install outside area lighting on privately owned property where the lighting fixture(s) is installed on a utility owned pole(s) used to support utility owned electric distribution wiring or equipment designed to supply electrical power to a customer's property.

Utilities are allowed to install area lighting outside and not attached to a building or other customer owned structure when the areas are outside publicly owned buildings such as: Publicly owned/operated parking lots, parks, schools, play fields, beaches, and similar areas; or the areas are privately

owned where the public has general, clear and unrestricted access such as: Church parking lots, and commercial property public parking areas and similar areas.

Utilities are not allowed to install area lighting when the area is privately owned and the public does not have general, clear, and unrestricted access such as industrial property, residential property and controlled commercial property where the public's access is otherwise restricted.

Utilities are not allowed to install area lighting where the lighting is supplied from a source of power derived from a customer owned electrical system.

(b) Customer-owned equipment exemption. A serving electrical utility is not required to have an electrical contractor's license to work on electrical equipment owned by a commercial, industrial, or public institution customer if:

(i) The utility has not solicited such work; and

(ii) Such equipment:

(A) Is located outside a building or structure; and

(B) The work performed is on the primary side of the customer's transformer(s) which supplies power at the customer's utilization voltage.

(c) Exempted equipment and installations. No person, firm, partnership, corporation, or other entity is required to have an electrical contractor's license for work on electrical equipment and installations thereof that are exempted by RCW 19.28.091.

(d) Exemption from inspection.

(i) The work of a serving electrical utility and its contractors on the utility system is not subject to inspection. The utility is responsible for inspection and approval for the installation.

(ii) Work exempted by NEC 90.2 (B)(5), 1981 edition, is not subject to inspection.

Exemptions - electrical utility telecommunications transition equipment installations, maintenance and repair.

(17) Until July 1, ~~((2004))~~ 2005, no license, inspection or other permit will be required by the department of any electric utility or, of any person, firm, partnership or corporation or other entity employed or retained by an electric utility or its contractor, because of work in connection with the installation, maintenance, or repair of telecommunications transition equipment located ahead of the utility's telecommunications network demarcation point on the outside of a building or other structure when the work is performed by a qualified person consistent with the requirements of the National Electric Code (NEC) except as provided in (a) and (b) of this subsection:

(a) The following exceptions to the NEC shall be permitted:

(i) An additional service disconnect supplying power to the transition equipment can be connected on the supply side of the main service disconnect supplying general power to the building;

(ii) Service entrance disconnects may be separated when clearly labeled;

(iii) The service disconnect used for supplying power to the transition equipment must be connected to the grounding electrode system using:

(A) # 8 AWG copper or larger grounding electrode conductor if protected from physical damage; or

(B) # 6 AWG copper or larger grounding electrode conductor if not protected from physical damage;

(iv) Use of equipment or materials that have been listed/field evaluated by a recognized independent testing laboratory or the department;

(v) Low-voltage circuits do not require a separate disconnecting means and may be grounded to the transition equipment grounding system;

(vi) Any other variance to the NEC must be approved by the department.

(b) A variance recommended by a joint utility standards group composed of representatives of both public and private utilities or certified by a professional engineer will be approved by the department unless the recommendation is inconsistent with meeting equivalent objectives for public safety.

(c) For the purposes of this section, a qualified worker is employed by a utility or its contractor and is familiar with the construction or operation of such lines and/or equipment that concerns his/her position and who is proficient with respect to the safety hazards connected therewith, or, one who has passed a journey status examination for the particular branch of the electrical trades with which he/she may be connected or is in a recognized training or apprenticeship course and is supervised by a journey level person.

(d) Although the utility is responsible for inspection and approval of the installation, including the selection of material and equipment, the department reserves the right to audit worker qualifications and inspect such installations semiannually for conformance with the requirements of (a), (b) and (c) of this subsection but shall not collect a permit fee for such inspection or audit.

(e) If a utility fails to meet the requirements of this section, the department may require the utility to develop and submit a remedial action plan and schedule to attain compliance with this section which may be enforced by the department.

(f) This exemption shall be in addition to any other exemption provided in chapter 19.28 RCW, this chapter or other applicable law.

Exemptions - independent electrical power production equipment exemption.

(18) An independent electrical power production entity is not required to have an electrical contractor's license to work on electrical equipment used to produce or transmit electrical power if:

(a) The entity is:

(i) The owner or operator of the generating facility is regulated by the Federal Energy Regulatory Commission (FERC);

(ii) A municipal utility, or other form of governmental electric utility, or by an electrical cooperative or mutual corporation; or

(iii) The owner or operator of the generating facility and:

Is an independent electrical power producer and the facility generates electrical power only for sale to one or more:

• Electrical utilities regulated by FERC, municipal utility, or other form of governmental utility, or to an electric cooperative or mutual corporation; and

• The electrical power generated by the facility is not used for self-generation or any other on- or off-site function other than sale to one or more utilities regulated by FERC or by one or more state public utilities commissions, or to a PUD, municipal utility, or other form of governmental electric utility, or to an electric cooperative or mutual corporation.

(b) The entity has entered into an agreement to sell electricity to a utility or to a third party; and

(c) The electrical equipment is used to transmit electricity from the terminals of an electrical generating unit located on premises to the point of interconnection with a utility system.

(d) Notwithstanding that a generating facility may be granted an exemption pursuant to this section, the facility will be subject to all the requirements of chapter 19.28 RCW if the facility at any time in the future ceases to comply with the requirements for exemption. All site facilities not exclusively and directly required to generate and/or distribute the electrical power generated on the site are subject to all the licensing and inspection requirements of chapter 19.28 RCW. All facility services, feeders, and circuits not exclusively and directly required to generate and/or distribute the electrical power (e.g., lights, outlets, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection. Facility circuits supplied to equipment required for the function of generation equipment (e.g., block heaters, power supplies, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection up to and including the equipment termination point.

Exemptions - telegraph and telephone utility and telegraph and telephone utility's contractor.

(19) Telegraph and telephone utility exempted equipment and installations. No person, firm, partnership, corporation, or other entity is required to have an electrical contractor's license for work on electrical equipment and installations thereof that are exempted by RCW 19.28.151. For the purposes of this exemption, "building or buildings used exclusively for that purpose" may mean any separate building or space of a building where the space is separated from the remainder of the building by a two-hour fire wall. The telecommunications or telegraph equipment within such a space must supply telephone or telegraph service to other customer's buildings (i.e., telecommunications or telegraph equipment cannot solely supply the building containing the telephone/telegraph space).

Exemptions - manufacturers of electrical/telecommunications products.

(20) Manufacturers of electrical/telecommunications systems products will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing:

- (a) Provided the product:
- (i) Has not been previously energized;
 - (ii) Has been recalled by the Consumer Product Safety Commission;
 - (iii) Is within the manufacturer's written warranty period;
- or

(iv) The manufacturer is working under the written request and supervision of an appropriately licensed electrical contractor.

(b) Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring.

(c) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory.

(d) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

(21) Premanufactured electric power generation equipment assemblies and control gear.

(a) Manufacturers of premanufactured electric power generation equipment assemblies and control gear will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing, provided:

(i) For transfer equipment, the product has not been previously energized or is within the manufacturer's written warranty period;

(ii) Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring;

(iii) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory; or

(iv) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

(b) Premanufactured electric power generation equipment assemblies are made up of reciprocating internal combustion engines and the associated control gear equipment. Control gear equipment includes control logic, metering, and annunciation for the operation and the quality of power being generated by the reciprocating internal combustion engine and does not have the function of distribution of power.

(c) Modifications of a transfer switch must not include changes to the original intended configuration or changes or contact with externally field-connected components.

(d) For the purposes of this subsection, the following work on premanufactured electric power generation equipment assemblies is not exempt from the requirements of chapter 19.28 RCW:

(i) Installation or connection of conduit or wiring between the power generation unit, transfer switch, control gear;

(ii) Installation of the transfer switch;

(iii) Connections between the power generation unit, transfer switch, control gear, and utility's transmission or distribution systems;

(iv) Connections between the power generation unit, transfer switch, control gear, and any building or structure; or

(v) Test connections with any part of:

(A) The utility's transmission or distribution system; or

(B) The building or structure.

(22) The installation, maintenance, or repair of a medical device deemed in compliance with chapter 19.28 RCW is exempt from licensing requirements under RCW 19.28.091, certification requirements under RCW 19.28.161, and inspection and permitting requirements under RCW 19.28.-101. This exemption does not include work providing electrical feeds into the power distribution unit or installation of conduits and raceways. This exemption covers only those factory engineers or third-party service companies with equivalent training who are qualified to perform such service.

(23) Coincidental electrical/plumbing work. See RCW 19.28.091(8) for the plumber exemption.

(24) Nothing in this section will alter or amend any other exemptions from or requirement for licensure or inspection, chapter 19.28 RCW or this chapter.

AMENDATORY SECTION (Amending WSR 03-18-089, filed 9/2/03, effective 10/3/03)

WAC 296-46B-930 Assignment—Administrator or master electrician. (1) An administrator or master electrician designated on the electrical/telecommunications contractor's license must be a member of the firm who fulfills the duties of an assigned master electrician/administrator as required in RCW 19.28.061(5), or be a full-time supervisory employee. In determining whether the individual is a member of the firm, the department will require that the individual is named as:

(a) The sole proprietor;

(b) A partner on file with the department of licensing; or

(c) A member of an LLC on file with the secretary of state.

In determining whether an individual is a full-time supervisory employee, the department will consider whether the individual is on the electrical/telecommunications contractor's full-time payroll; receives a regular salary or wage similar to other employees; has supervisory responsibility for work performed by the electrical/telecommunications contractor, and carries out the duties shown in chapter 19.28 RCW.

(2) A firm may designate certain temporary specialty administrator(s) to satisfy the requirements of RCW 19.28.-041 and 19.28.061 under the guidelines described in Table 930-1 - Temporary Specialty Administrator Application/Enforcement Procedure. See note 1 on Figure 955-1 for additional requirements regarding failure to comply with the licensing/certification requirements during the open window opportunity.

Table 930-1 - Temporary Specialty Administrator Application/Enforcement Procedure

<p>SPECIALTIES OPEN FOR ASSIGNING TEMPORARY SPECIALTY ADMINISTRATOR</p>	<ul style="list-style-type: none"> • Domestic well (03A), • HVAC/refrigeration - restricted (06B), • Nonresidential maintenance (07), • Nonresidential lighting maintenance (07A), • Residential maintenance (07B), • Restricted nonresidential maintenance (New - 07C), • Appliance repair (New - 07D), • Equipment repair (New - 07E), • Door, gate and similar systems (10).
<p>Last date to submit application for temporary administrator</p>	<p>July 31, 2004.^{(2), (3)}</p>
<p>Required business status in the contracting specialty</p>	<p>Chapter 18.27 RCW contractor registration, chapter 19.28 RCW electrical contractor's license, or appropriate Washington business license (effective at any time between January 1, 2002 and September 1, 2002).</p>
<p>Minimum previous experience for firm making temporary designation</p>	<p>N/A</p>
<p>Begin interim enforcement</p>	<p>Effective date of this chapter.⁽¹⁾</p>
<p>Begin full enforcement</p>	<p>August 1, 2004.⁽¹⁾</p>
<p>Must pass specialty administrator examination no later than:</p>	<p>Twelve months after submitting temporary specialty administrator assignment, <u>except that applicants who applied for temporary administrator status in specialties 06B, 07C, 07D, and 07E between April 22, 2003, and January 1, 2004, must pass the examination no later than December 31, 2004.</u>⁽³⁾</p>
<p>Notes:</p> <p>⁽¹⁾See Figure 955-1 for enforcement procedures.</p> <p>⁽²⁾To qualify for a temporary specialty administrator certificate, the following must be submitted to the department: Complete contractor's application package, complete temporary specialty administrator's application, complete Assignment of Temporary Specialty Administrator's Certificate form, and all appropriate fees. Fees will be prorated from the three-year amount required in WAC 296-46B-910.</p> <p>⁽³⁾A firm may only designate a single individual as a temporary administrator in a specialty.</p> <p>⁽⁴⁾An individual may not receive a temporary specialty administrator certificate if the individual has previously held any type of administrator certificate in that specialty.</p>	

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-935 Administrator certificate. General.

(1) The department will deny renewal of a certificate if an individual owes money as a result of an outstanding final judgment(s) to the department.

(2) For special accommodation see WAC 296-46B-960.

(3) An applicant will not be issued a specialty administrator certificate that is a subspecialty of a certificate the applicant currently holds (i.e., the applicant is not eligible to take the domestic well administrator examination if the applicant currently possesses a pump and irrigation administrator certificate).

Qualifying for examination.

(4) There are no qualification requirements for taking an administrator certificate examination. Applicants should contact the testing agency directly.

Original - administrator certificates.

(5) The scope of work for electrical administrators is described in WAC 296-46B-920. The department will issue an original administrator certificate to a general administrator, or specialty administrator who:

- (a) Successfully completes the appropriate administrator examination; and
- (b) Submits the appropriate examination passing report from the testing agency with the applicant's: Date of birth, mailing address, and Social Security number; and
- (c) Pays all appropriate fees as listed in WAC 296-46B-910.

For an examination report to be considered, all the above must be submitted within ninety days after the completion of the examination. After ninety days, the applicant will be required to successfully retake the complete examination. An individual's original administrator certificate will expire on their birth date at least one year, and not more than three years, from the date of original issue.

Combination - specialty administrator certificate.

(6) The department may issue a combination specialty administrator certificate to an individual who qualifies for more than one specialty administrators' certificate. The combination specialty administrators' certificate will plainly indicate the specialty administrator's certificate(s) the holder has qualified for. Telecommunications cannot be issued a combination because the renewal requirements are different from those required for electrical administrators. Temporary administrator certificates will not be issued as a part of a combination certificate.

Renewal - administrator certificate.

(7) An individual must apply for renewal of their administrator certificate before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for three years, with the exception of telecommunications administrators, who will be renewed for two years.

(8) An individual may renew their administrator certificate within ninety days after the expiration date without reexamination if the individual pays the late renewal fee listed in WAC 296-46B-910.

(9) All renewals received more than ninety days after the expiration date of the certificate will be denied. The administrator will be required to pass the appropriate administrator examination before being recertified.

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(10) All applicants for certificate renewal must:

- (a) Submit a complete renewal application;
- (b) Pay all appropriate fees as listed in WAC 296-46B-910; and
- (c) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in WAC 296-46B-970. If an individual files inaccurate or false evidence of continuing education information when renewing a certificate, the individual's certificate may be suspended or revoked.

Telecommunications administrators are not required to provide continuing education information.

(11) An individual who has not completed the required hours of continuing education can renew an administrator's certificate if the individual applies for renewal before the certificate expires and pays the appropriate renewal fee. However, the certificate will be placed in an inactive status.

When the certificate is placed in inactive status, an assigned administrator will be automatically unassigned from the electrical contractor. The electrical contractor will be notified of the unassignment and has ninety days to replace the administrator. An assignment fee will then be required per WAC 296-46B-910.

The inactive certificate will be returned to current status upon validation, by the department, of the required continuing education requirements.

(12) An individual may renew a suspended administrator's certificate by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(13) An individual may not renew a revoked administrator's certificate.

Temporary specialty administrator certificate.

(14) See WAC 296-46B-930 for additional information.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-940 Electrician/training/temporary certificate of competency or permit required. Electrician - general.

(1) The department will deny renewal of a certificate or permit if an individual owes money as a result of an outstanding final judgment(s) to the department.

Electrician - scope of work.

(2) The scope of work for electricians and trainees is described in WAC 296-46B-920.

Electrician - certificate of competency required.

(3) To work in the electrical construction trade, an individual must possess a current valid:

- (a) Master journeyman electrician certificate of competency issued by the department;
- (b) Journeyman electrician certificate of competency issued by the department;
- (c) Master specialty electrician certificate of competency issued by the department;

(d) Specialty electrician certificate of competency issued by the department;

(e) Temporary electrician permit. Unless continually supervised by an appropriately certified electrician, no temporary electrician can install, repair, replace, or maintain any electrical wiring or equipment where the system voltage is more than 600 volts, whether the system is energized or deenergized; or

(f) Electrical training certificate, learning the trade in the proper ratio, per RCW 19.28.161, under the supervision of a certified master journeyman electrician, journeyman electrician, master specialty electrician working in their specialty, or specialty electrician working in their specialty.

(4) The department issues master electrician and electrician certificates of competency in the following areas of electrical work:

- (a) General journeyman (01);
- (b) Specialties:
 - (i) Residential (02);
 - (ii) Pump and irrigation (03);
 - (iii) Domestic well (03A);
 - (iv) Signs (04);
 - (v) Limited energy system (06);
 - (vi) HVAC/refrigeration (06A);
 - (vii) HVAC/refrigeration - restricted (06B);
 - (viii) Nonresidential maintenance (07);
 - (ix) Nonresidential lighting maintenance and lighting retrofit (07A);
 - (x) Residential maintenance (07B);
 - (xi) Restricted nonresidential maintenance (07C);
 - (xii) Appliance repair (07D);
 - (xiii) Equipment repair (07E); and
 - (xiv) Door, gate, and similar systems (10).

Exemptions - linemen.

(5) Definition: See general definitions WAC 296-46B-020 for the definition of a lineman.

(6) Electrical linemen employed by a:

(a) Serving electrical utility or the serving utility's contractor, or a subcontractor to their subcontractor, while performing work described in WAC 296-46B-925 do not need certificates of competency.

~~((7) Electrical linemen employed by a)~~ (b) Licensed general electrical contractors do not need certificates of competency if the electrical equipment:

~~((a))~~ (i) Is on commercial or industrial property;

~~((b))~~ (ii) Is located outside a building or structure; and

~~((c))~~ (iii) The work performed is on the primary side of the customer's transformer(s) supplying power at the customer's building or structure utilization voltage.

Exemptions - plumbers.

(7) Coincidental electrical/plumbing work. See RCW 19.28.091(8) for the plumber exemption.

Original - master electrician, journeyman, and specialty electrician certificates of competency.

(8) The department will issue an original certificate of competency to master, journeyman, or specialty electricians who meet the eligibility requirements listed in:

(a) RCW 19.28.191 (1)(a) or (b); and

(i) Submit an application for an original master electrician certificate including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-910;

(b) RCW 19.28.191 (1)((e)) (d) through ((e)) (e);

(i) Submit an original master electrician certification examination application including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-910; or

(c) RCW 19.28.191 (1)((e)) (f) through ((f)) (g);

(i) Submit an original electrician certification examination application including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-910.

(9) An individual's original electrician certificate of competency will expire on their birth date at least two years, and not more than three years, from the date of original issue.

Renewal - master electrician, journeyman, and specialty electrician certificates of competency.

(10) An individual must apply for renewal of their electrician certificate of competency before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for three years.

(11) An individual may renew their certificate of competency within ninety days after the expiration date without reexamination if the individual pays the late renewal fee listed in WAC 296-46B-910.

(12) All applications for renewal received more than ninety days after the expiration date of the certificate of competency require that the electrician pass the appropriate competency examination before being recertified.

(13) All applicants for certificate of competency renewal must:

(a) Submit a complete renewal application;

(b) Pay all appropriate fees; and

(c) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in WAC 296-46B-970. If an individual files inaccurate or false evidence of continuing education information when renewing a certificate of competency, the individual's certificate of competency may be suspended or revoked.

(14) An individual who has not completed the required hours of continuing education can renew a certificate of competency if the individual applies for renewal before the certificate of competency expires and pays the appropriate renewal fee. However, the certificate of competency will be placed in an inactive status. The inactive certificate of competency will be returned to current status upon validation, by the department, of the required continuing education.

(15) An individual may renew a suspended certificate of competency by submitting a complete renewal application including obtaining and submitting the continuing education

required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(16) An individual may not renew a revoked certificate of competency.

Reciprocal agreements between Washington and other states.

(17) The department negotiates reciprocal agreements with states that have equivalent requirements for certification of master electricians, journeymen, or specialty electricians. These agreements allow electricians from those reciprocal states to become certified in the state of Washington without examination and allow Washington certified electricians to become certified in the other states without taking competency examinations.

(18) An individual coming into the state of Washington from a reciprocal state will be issued a reciprocal electrician certificate of competency if all the following conditions are met:

(a) The department has a valid reciprocal agreement with the other state in the master electrician category requested, journeyman, or specialty category requested;

(b) The individual makes a complete application for the reciprocity certificate on the form provided by the department. A complete application includes:

(i) Application for reciprocal certificate of competency;

(ii) Evidence that the individual meets the eligibility requirements listed in RCW 19.28.191, by presenting a valid journeyman or specialty electrician certificate or certified letter from the issuing state; and

(iii) All appropriate fees as listed in WAC 296-46B-910.

(c) The individual obtained the reciprocal state's certificate of competency as a master electrician, journeyman, or specialty electrician by examination;

(19) An individual is not eligible for a reciprocal electrician certificate of competency if the individual:

(a) Has failed to renew a similar Washington master electrician or electrician certificate of competency as required in RCW 19.28.211;

(b) Has a similar Washington master electrician or electrician certificate of competency in suspended, revoked, or inactive status under this chapter; or

(c) Was a resident of the state of Washington at the time the examination was taken in the other state.

Military experience.

(20) An individual who has worked in the electrical construction trade performing work described in WAC 296-46B-920 while serving in the armed forces of the United States may be eligible to take the examination for the certificate of competency as a journeyman or specialty electrician. Credit may be allowed for hours worked or training received.

If an individual has military experience in a specialized electrical field (e.g., rating) that is similar to a specialty electrician category listed in WAC 296-46B-920, credit may be allowed toward the appropriate specialty certificate. Nuclear, marine, radar, weapons, aeronautical experience, or similar experience may not be acceptable.

The military experience should be related to the building construction trade, not shipboard, aircraft, weapons, or similar installations.

Experience in another country.

(21) If an individual has a journeyman electrician certificate from a country outside the United States that requires that at least four years of electrical construction training and certification is obtained by examination, the individual may be eligible for four thousand hours of the specialty credit allowed towards the qualification to take the Washington journeyman electrician examination.

No more than two years of the required training to become a Washington journeyman electrician may be for work described for specialty electricians or technicians in WAC 296-46B-920. In addition to the maximum of four thousand hours credit that may be allowed by this subsection, an additional four thousand hours of new commercial/industrial experience must be obtained using a training certificate in the state while under the supervision of a master journeyman electrician or journeyman electrician.

Documentation substantiating the individual's out-of-country experience must be submitted in English.

(22) Out-of-country experience credit is not allowed toward a specialty electrician certificate.

Training school credit.

(23) No more than fifty percent of the minimum work experience needed to qualify for specialty electrician certification is allowed for any training school program (e.g., a specialty requiring two thousand hours of minimum required work experience may receive no more than one thousand hours credit from an electrical construction training program).

(24) See RCW 19.28.191 (1)(~~g~~)(h) for training school credit allowed for journeyman applicants.

(25) See WAC 296-46B-971 for additional information on training schools.

Temporary electrician permit.

(26) Temporary permits are not allowed for master electricians.

(27) Temporary electrician permit when coming from out-of-state. An individual coming from out-of-state must either obtain a reciprocal electrician certificate, valid training certificate, or make application and receive approval for a temporary electrician permit to perform electrical work in the state, or otherwise obtain an electrician certificate of competency.

(a) Initial temporary electrician permit when coming from out-of-state.

(i) If an individual can show evidence of work experience in another state similar to RCW 19.28.191, the department may issue the individual one initial temporary journeyman or specialty electrician permit. The individual must present appropriate evidence at the time of application showing work experience equivalent to that required by RCW 19.28.191.

The initial temporary electrician permit allows the individual to work as an electrician between the date of filing a

completed application for the certification examination and the notification of the results of the examination. This initial permit will be issued for one twenty-day period and will become invalid on the expiration date listed on the temporary electrician permit or the date the individual is notified they have failed the examination, whichever is earlier.

(ii) To qualify for an initial temporary electrician permit, an individual must:

(A) Meet the eligibility requirements of RCW 19.28.191; and

(B) Submit a complete application for an initial temporary electrician permit and original certification including:

- Date of birth, mailing address, Social Security number; and

- All appropriate fees as listed in WAC 296-46B-910.

(iii) The individual must not have ever possessed a Washington master journeyman, journeyman certificate of competency, or a master specialty or specialty electrician certificate of competency in the specialty requested.

(iv) If the initial temporary electrician permit becomes invalid, it will not be extended or renewed. To continue to work in the electrical trade, the individual must apply for and receive a:

(A) Second temporary electrician permit; or

(B) Training certificate and work in the proper ratio, per RCW 19.28.161, under the direct supervision of either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in the appropriate specialty, or a specialty electrician working in the appropriate specialty.

(b) Second temporary electrician permit.

(i) If the individual fails the certification examination during the initial temporary electrician period and provides verification of enrollment in an approved journeyman refresher course or approved appropriate specialty electrician refresher course, as prescribed in RCW 19.28.231, application may be made for a second temporary electrician permit.

A complete second application must include proof of enrollment in the refresher course and all appropriate fees as listed in WAC 296-46B-910.

(ii) The second temporary electrician permit will be issued for one ninety-day period and will become invalid: Upon withdrawal from the electrician refresher course, on the expiration date listed on the temporary electrician permit, or the date the individual is notified they have failed the examination, whichever is earlier;

(iii) After successfully completing the electrician refresher course, the individual must provide appropriate course completion documentation to the department and will be eligible to retake the appropriate competency exam.

(iv) If the second temporary electrician permit becomes invalid, it will not be extended or renewed. To continue to work in the electrical trade, the individual must apply for and receive a training certificate and work in the proper ratio, per RCW 19.28.161, under the direct supervision of either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in the appropriate specialty, or a specialty electrician working in the appropriate specialty.

(28) Temporary specialty electrician permit gained by using previous work experience gained in the state.

(a) For the specialties listed in chapter 296-46B WAC Table 950-1, individuals credited with the minimum amount of work experience using the criteria described in WAC 296-46B-950 will be eligible for a temporary specialty electrician permit for the purposes of working without supervision and for supervising trainees in the appropriate specialty. This temporary specialty electrician permit will be valid for a period of two years or until the individual has passed the appropriate specialty examination, whichever is first.

(b) To qualify for an initial temporary specialty electrician permit, an individual must:

(i) Document the hour requirements described in chapter 296-46B WAC Table 945-1; and

(ii) Submit a complete application including:

(A) Application for consideration of previous work experience as described in WAC 296-46B-950;

(B) Application for original electrician certificate of competency/examination including: Date of birth, mailing address, Social Security number; and

(C) All appropriate fees as listed in WAC 296-46B-910.

(c) If the individual does not successfully complete the appropriate specialty examination before the temporary specialty electrician permit expires, the individual must obtain a training certificate to continue performing electrical work. Such an individual must apply for a training certificate and work under the supervision of an appropriate electrician.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-945 Qualifying for master, journeyman, specialty electrician examinations. Qualifying for master, journeyman, specialty electrician examinations.

(1) All applicants must be at least sixteen years of age.

Qualifying for the master electrician examination.

(2) An individual may take the master electrician's certificate of competency examination if the individual meets the requirements described in RCW 19.28.191 (1)((e)) (d) or ((e)) (e).

Qualifying for the master electrician examination from out-of-state.

(3) No credit may be applied from out-of-state toward qualifying for a master electrician certificate of competency examination.

Qualifying for the journeyman electrician competency examination.

(4) An individual may take the journeyman electrician's certificate of competency examination if the individual held a current electrical training certificate and has worked for an employer who employs at least one certified master electrician, journeyman, or specialty electrician on staff and the individual:

(a) Has been employed, in the electrical construction trade, under the direct supervision of a master electrician, journeyman electrician or specialty electrician working in the

appropriate specialty in the proper ratio, per RCW 19.28.161, for four years (eight thousand hours). Of the eight thousand hours:

(i) At least two years (four thousand hours) must be in new industrial and/or new commercial electrical installation (excluding all work described for specialty electricians or technicians) under the direct supervision of a master journeyman electrician or journeyman electrician while working for a general electrical contractor; and

(ii) Not more than a total of two years (four thousand hours) may be for work described as an electrical specialty in WAC 296-46B-920(2).

(b) Has completed a four-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council while working under the direct supervision of a master journeyman or journeyman electrician in the proper ratio, per RCW 19.28.161; or

(c) Has completed a two-year electrical construction training program as described in RCW 19.28.191 for journeyman electricians, and two years (four thousand hours) of work experience in new industrial and/or new commercial electrical installations (excluding work described for specialty electricians or electrical technicians) under the direct supervision of a journeyman electrician while working for a general electrical contractor in the proper ratio, per RCW 19.28.161. See WAC 296-46B-971 for additional training school information.

Electrical construction training hours gained in specialties requiring less than two years (i.e., four thousand hours) will not be credited towards qualification for journeyman electrician.

The trainee and their employer and/or apprenticeship training director must attest to the accuracy of all information contained on affidavits of experience used to verify eligibility for the examination.

Qualifying for the journeyman/specialty electrician competency examination when work was performed in a state requiring electrician certification.

(5) An individual may take the journeyman/specialty electrician's competency examination when the appropriate state having authority certifies to the department that:

(a) The work was legally performed under the other state's licensing and certification requirements;

(i) For journeyman applicants who meet the minimum hour requirements described in WAC 296-46B-945(4).

(ii) For specialty applicants who meet the minimum hour requirements described in WAC 296-46B-945(9).

(b) The other state's certificate of competency was obtained by examination.

Electrical construction training hours gained in specialties requiring less than two years (i.e., four thousand hours) may not be credited towards qualification for journeyman electrician.

Qualifying for the journeyman/specialty electrician competency examination when work was performed in a state that does not require electrician certification.

(6) If the other state requires electrical contractor licensing:

(a) An individual may take the journeyman/specialty electrician's competency examination when an appropriately licensed electrical contractor(s) files a notarized letter of experience with the department accompanied by payroll documentation which certifies and shows that:

(i) For journeyman applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(4).

(ii) For specialty applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(9).

(b) An individual may take the journeyman/specialty electrician's competency examination when an employer(s), acting under a property owner exemption, files a notarized letter of experience from the property owner with the department accompanied by payroll documentation which certifies and shows that:

(i) For journeyman applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(4).

(ii) For specialty applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(9).

(7) If the other state does not require electrical contractor licensing or registration: An individual may take the journeyman/specialty electrician's competency examination when the individual's employer(s) files a notarized letter(s) of experience with the department accompanied by payroll documentation which certifies and shows that:

(a) For journeyman applicants: The individual meets the minimum work requirements described in WAC 296-46B-945(4).

(b) For specialty applicants: The individual meets the minimum work requirements described in WAC 296-46B-945(9).

(8) The letter of experience described in subsections (6) and (7) of this section should include a complete list of the individual's usual duties with percentages attributed to each.

Qualifying for a specialty electrician certificate of competency or examination.

(9) An individual may qualify for a specialty electrician's examination and certificate of competency if the individual held a current electrical training certificate, and has worked for an employer who employs at least one certified master journeyman electrician, journeyman electrician, appropriate master specialty electrician, or appropriate specialty electrician on staff and the individual:

(a) Has been employed, in the electrical construction trade, under the direct supervision of an appropriate electrician in the appropriate specialty as follows:

Table 945-1 Experience Hours

Specialty	Minimum Hours of Work Experience Required to be Eligible for Examination ⁽⁴⁾⁽⁵⁾⁽⁹⁾	Minimum Hours of Work Experience Required for Certification ⁽⁸⁾
Residential certificate (02)	4,000 ⁽³⁾	4,000
Pump and irrigation certificate (03)	4,000 ⁽³⁾	4,000
Domestic well certificate (03A)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Signs certificate (04)	4,000 ⁽³⁾	4,000
Limited energy system certificate (06)	4,000 ⁽³⁾	4,000
HVAC/refrigeration system certificate (06A)	4,000 ⁽³⁾	4,000 ⁽⁷⁾
HVAC/refrigeration - restricted (06B)	1,000 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Nonresidential maintenance certificate (07)	4,000 ⁽³⁾	4,000
Nonresidential lighting maintenance and lighting retrofit certificate (07A)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Residential maintenance certificate (07B)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Restricted nonresidential maintenance certificate (07C)	4,000 ⁽³⁾	4,000
Appliance repair certificate (07D)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Equipment repair certificate (07E)	((4,000⁽³⁾)) <u>1,000⁽¹⁾⁽²⁾</u>	((4,000)) <u>2,000⁽⁶⁾</u>
Door, gate, and similar systems certificate (10)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾

Notes: ⁽¹⁾Until the examination is successfully completed, the trainee must work under one hundred percent supervision. Once the appropriate examination is successfully completed, the modified supervision trainee may work under zero percent supervision.
⁽²⁾Two calendar years after the date of initial trainee certification, the trainee must work under seventy-five percent

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supervision until all required work experience hours are gained and credited towards the minimum work experience requirement even if the trainee has completed the examination.

⁽³⁾This specialty is not eligible for modified trainee status as allowed in chapter 19.28 RCW.

⁽⁴⁾The trainee and their employer and/or apprenticeship training director must attest to the accuracy of all information contained on affidavits of experience used to verify eligibility for the examination.

⁽⁵⁾Neither previous work experience credit nor training school credit is allowed as a substitute for the initial hours of minimum work experience required to be eligible for examination unless the trainee's work experience hours under direct supervision are provided as required in RCW 19.28.191 (1)(~~(f)~~) (g)(ii).

⁽⁶⁾Electrical construction training hours gained in specialties requiring less than two years for certification may not be credited towards qualification for journeyman electrician.

⁽⁷⁾The 2,000 minimum hours of work experience required for certification as a HVAC/refrigeration-restricted (06B) specialty electrician may be credited as 2,000 hours towards the 4,000 minimum hours of work experience required for certification as a HVAC/refrigeration (06A) specialty electrician. Hours of work experience credited from the HVAC/refrigeration-restricted (06B) specialty cannot be credited towards qualification for taking the general electrician (01) examination or minimum work experience requirements.

⁽⁸⁾If any legislation is enacted in ((2003)) 2004 setting the minimum hours of work experience for a specialty electrician certification to be set at one year (2,000 hours), the minimum will be set at 2,000 hours.

⁽⁹⁾If any legislation is enacted in ((2003)) 2004 setting the minimum hours of work experience for a specialty certification required to be eligible for examination to ninety days (720 hours), the minimum will be set at 1,000 hours.

(b) Or has completed an appropriate two-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council while working under the direct supervision of an electrician in the appropriate specialty in the proper ratio, per RCW 19.28.161.

Qualifying for a certificate of competency when the Washington electrical work experience is exempt from certification requirements in RCW 19.28.261.

(10) To receive credit for electrical work experience that is exempted in RCW 19.28.261, an individual must provide the department with verification from the employer or owner according to WAC 296-46B-965 (i.e., affidavit(s) of experience). For the purposes of this section, exempt work does not include work performed on property owned by the individual seeking credit.

(11) All exempt individuals learning the electrical trade must obtain an electrical training certificate from the department and renew it biannually in order to receive credit for hours worked in the trade according to WAC 296-46B-965.

(12) The department may require verification of supervision in the proper ratio from the certified supervising electrician(s).

(13) Telecommunications work experience:

(a) Credit may be verified only by employers exempted by RCW 19.28.261, general electrical (01) contractors, and limited energy system (06) electrical contractors for limited energy experience for telecommunications work done:

(i) Under the supervision of a certified journeyman or limited energy electrician; and

(ii) In compliance with RCW 19.28.191.

(b) Individuals who want to obtain credit for hours of experience toward electrician certification for work experience doing telecommunications installations must:

(i) Obtain an electrical training certificate;

(ii) Renew the training certificate biannually in order to receive credit for hours worked in the trade according to WAC 296-46B-965.

(c) Telecommunications contractors may not verify telecommunications work experience toward electrician certification.

AMENDATORY SECTION (Amending WSR 03-18-089, filed 9/2/03, effective 10/3/03)

WAC 296-46B-950 Opportunity for gaining credit for previous work experience gained in certain specialties. Some specialties have an opportunity to apply any previous work experience gained toward electrical training credit. See Table 950-1 for opportunities, deadlines and requirements.

To qualify previous work experience training credit toward eligibility for any of the specialty certificate examination(s) in this subsection, an individual must provide proof, upon application for a specialty electrician temporary permit, to the department with a notarized verification letter from the individual's employer(s) documenting:

(1) The specific specialty for which credit is being sought;

(2) The specific date time period for which credit is being sought; and

(3) The number of previous work experience hours for which credit is being sought.

The department will deny application for previous work experience credit if an individual owes money as a result of an outstanding final judgment(s) to the department.

Table 950-1 Specialty Electrician Open Window to apply previous work experience

SPECIALTIES Available for Open Window	<ul style="list-style-type: none"> • HVAC/refrigeration (06A), HVAC/refrigeration - restricted (06B) 	<ul style="list-style-type: none"> • Domestic well (03A), • Nonresidential maintenance (07), • Nonresidential lighting maintenance and lighting retrofit (07A), • Residential maintenance (07B), • Door, gate and similar systems (10) 	<ul style="list-style-type: none"> • Restricted nonresidential maintenance (New - 07C), • Appliance repair (New - 07D) • Equipment repair (New - 07E)
Previous work experience training credit will only be allowed for:	Work performed prior to September 30, 2000 ⁽³⁾	Work performed prior to June 30, 2001 ⁽³⁾	Work performed prior to the effective date of this chapter ⁽³⁾
Last date to submit application for previous work experience	Make application on or before July 31, 2004, for a specialty electrician temporary permit as described in WAC 296-46B-940(28).		
Begin interim enforcement	Effective date of this chapter ⁽¹⁾		
Begin full enforcement	August 1, 2004 ⁽¹⁾		
Exam completion	If a temporary specialty electrician permit is awarded per WAC 296-46B-940(28), the applicant must pass the specialty electrician examination no later than two years after application, <u>except that applicants who applied for temporary specialty electrician status in specialties 06B, 07C, 07D, and 07E between April 22, 2003, and January 1, 2004, must pass the examination no later than December 31, 2005.</u> ⁽²⁾		

- Notes:**
- ⁽¹⁾See Figure 955-1 for enforcement procedures. See note 1 on Figure 955-1 for additional requirements regarding failure to comply with the licensing/certification requirements during the open window opportunity.
 - ⁽²⁾See WAC 296-46B-940(28) other temporary specialty electrician permit requirements.
 - ⁽³⁾Work experience gained for these specialties on or after this date will be credited only if the applicant possessed a valid training certificate during the time period worked and met all requirements of chapter 19.28 RCW and this chapter.
 - ⁽⁴⁾Previous work experience credit gained using this section will not be allowed for the same time periods for multiple specialties.
 - ⁽⁵⁾Previous work experience gained using this section will not be applicable towards journeyman certification until the trainee successfully completes the appropriate specialty certification examination and meets all other requirements in chapter 19.28 RCW and this chapter.
 - ⁽⁶⁾Previous work experience gained using this section will not be applicable toward journeyman certification if the specialty has a work experience requirement less than two years (four thousand hours). Hours of experience gained prior to the effective date of this rule may be applied toward journeyman certification if appropriate.
 - ⁽⁷⁾No extension, except as permitted by rule change, of the temporary specialty electrician's status will be permitted. A temporary specialty electrician permit cannot be renewed, except as permitted by rule.
 - ⁽⁸⁾An individual may not receive a temporary electrician permit in a specialty if the individual has previously held a specialty electrician permit in that specialty.

PROPOSED

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-970 Continuing education. General requirements - continuing education (~~courses~~) classes requirements for administrator, master electrician, and electrician renewal.

~~((1) An individual will not be given credit for the same approved continuing education course taken more than once in the three years prior to the renewal date. No credit will be granted for any course not approved per this section.~~

~~(2) Telecommunications administrators do not require continuing education.~~

~~(3) Other administrators, master electricians, and electricians:~~

~~(a) To be eligible for renewal of an administrator certificate, master electrician, or electrician certificate of competency, the individual must have completed at least eight hours of approved continuing education for each year of the prior certification period. At least eight hours of the total required continuing education must be on the currently adopted National Electrical Code changes. Beginning January 1, 2005, four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).~~

~~(b) An individual changing an electrical administrator and an electrician certificate of competency into a master electrician's certificate of competency as allowed in RCW 19.28.191 (1)(a) or (b) must have completed at least eight hours of approved continuing education for each year of the prior electrician certification period. Eight hours of the~~

required continuing education must be on the currently adopted National Electrical Code changes.

(e) Any portion of a year of a prior electrician certification period is equal to one year for the purposes of the required continuing education.

Approval process—continuing education course.

(4) The department must review each continuing education course. The department will recommend approval or disapproval to an electrical board subcommittee. The chief electrical inspector will be an ex officio member of this subcommittee. The subcommittee will either approve or disapprove the course.

(5) To be considered for approval, a continuing education course must consist of not less than four hours of instruction and be open to monitoring by a representative of the department and/or the electrical board at no charge. If the department determines that the continuing education course does not meet or exceed the minimum requirements for approval, the department may revoke the course approval or reduce the number of credited hours.

(6) Approved courses must be based on:

(a) Currently adopted edition of the National Electrical Code;

(b) Chapter 19.28 RCW or chapter 296-46B WAC; or

(c) Materials and methods as they pertain to electrical construction, building management systems, electrical maintenance, or workplace health and safety.

(7) Code update courses must be based on the entire currently adopted National Electrical Code.

Application— for continuing education course approval.

(8) All applications for course approval must be on forms provided by the department. The electrical board will only consider the written information submitted with the application when considering approval of the continuing education training course.

(9) The department will provide continuing education application forms to sponsors upon request. The course sponsor must submit an original completed application for course approval and three copies (unless submitted electronically using department prescribed technology) to the department. The department must receive the complete course application from the sponsor in writing at least forty five days before the first class requested for approval is offered.

(10) A complete application for course approval must include:

(a) The appropriate course application fee;

(b) Course title, number of classroom instruction hours, and whether the training is open to the public;

(c) Sponsor's name, address, contact's name and phone number;

(d) Course outline (general description of the training, including specific National Electrical Code articles referenced);

(e) Lists of resources (texts, references, visual aids);

(f) Names and qualifications of instructors. Course instructors must show prior instructor qualification and experience similar to that required by the work force training and education coordinating board under chapter 28C.10 RCW;

(g) Any additional documentation to be considered; and

(h) A sample copy of the completion certificate issued to the course participants.

(11) The course sponsor seeking approval of a continuing education course will be notified of the subcommittee's decision within five days of the completed review of the application.

(12) If the application is not approved, the rejection notice will include an explanation of the reason(s) for rejection. If the course sponsor disagrees with the subcommittee's decision, the course sponsor may request a reconsideration hearing by the full electrical board. A request to appeal course rejection must be received by the department forty-five days before a regularly scheduled board meeting. The course sponsor must submit, to the department, any additional information to be considered during the hearing, in writing, at least thirty days before the board hearing. The course sponsor must provide at least twenty copies of any written information to be submitted to the board.

Offering—continuing education course.

(13) The course sponsor may offer an approved course for up to three years without additional approval. However, if the course is classified as code update or code related and a new edition of the National Electrical Code is adopted within the course approval period, the course approval will be considered automatically revoked and the course sponsor must submit a new application for review by the department and approval by the electrical board subcommittee.

(14) A continuing education course attended or completed by an individual before final approval by the electrical board subcommittee cannot be used to meet the administrator or electrician certificate renewal requirements.

Documentation—Washington approved training course attendance/completion.

(15) The department is not responsible for providing verification of an individual's continuing education history with the course sponsor.

(16) The course sponsor must provide the department with an accurate and typed course attendance/completion roster for each course given.

(a) The attendance/completion roster must be provided within thirty days of course completion.

(b) In addition, the course sponsor must provide the attendance/completion roster in an electronic format provided by the department.

(c) The attendance/completion roster must show each participant's name, Washington certificate number, course number, location of course, date of completion, and instructor's name. The typed roster must contain the signature of the course sponsor's authorized representative.

(17) If the course sponsor fails to submit the required attendance/completion rosters within thirty days of the course completion, the department may revoke or suspend the course approval.

(18) Course sponsors must award a certificate to each participant completing the course from which the participant will be able to obtain:

(a) Name of course sponsor;

- (b) Name of course;
- (c) Date of course;
- (d) Course approval number;
- (e) The number of continuing education units; and
- (f) The type of continuing education units.

(19) ~~The department will only use a copy of the sponsor's attendance/completion roster as final evidence that the participant completed the training course.~~

(20) ~~The department will keep submitted rosters of the continuing education courses on file only for audit purposes. The department is not responsible for the original of any completion certificate issued.~~

~~Documentation—out of state training course attendance/completion.~~

(21) ~~To apply continuing education units earned out of state from course sponsors who do not have state of Washington approved courses, one of the following conditions must be met:~~

(a) ~~The individual must request that the course sponsor submit a complete continuing education course application and requirements as described in this section for in-state courses.~~

~~Application for course approval will not be considered more than three years after the date of the course.~~

(b) ~~The department must have entered into a reciprocal agreement with the state providing course approval.~~

~~The participant must provide a copy of an accurate and completed award or certificate from the course sponsor identifying the course location, date of completion, participant's name, and Washington certificate number. The department will only accept a copy of the sponsor's certificate or form as evidence that the participant attended and completed the course.)~~ (1) **DEFINITIONS - for purposes of this section.**

(a) "Applicant" means the entity submitting an application for review.

(b) "Application" means a submittal made by an applicant seeking instructor or class approval.

(c) "Calendar day" means each day of the week, including weekends and holidays.

(d) "Class" means continuing education class or course.

(e) "Contractor" means the entity who has contracted with the department to review and approve/deny continuing education classes and instructors.

(f) "Date of notification" means the date of a request for additional information from the contractor or the approval/denial letter sent to the applicant by the contractor.

(g) "Individual" means an administrator or electrician seeking credit for continuing education.

(h) "Instructor" means an individual who is authorized to instruct an approved continuing education class.

(i) "Working day" means Monday through Friday, excluding state of Washington holidays.

(2) GENERAL.

(a) The department and the electrical board have the right to monitor all approved classes without notice and at no charge.

If the department or electrical board determines that the class or instructor does not meet or exceed the minimum requirements for approval or course length or instructor qual-

ifications, the department may revoke the class or instructor approval and reduce the number of credited hours for the class.

(b) Department-offered classes and the instructors used for those classes are automatically approved and do not need to be sent to the contractor for review.

(c) Instructors who meet the minimum requirements using subsection (5)(b)(i)(D) of this section may only instruct classes sponsored by the manufacturer(s) who verified the instructors' qualifications under subsection (5)(b)(i)(D) of this section.

(d) An individual will not be given credit for the same approved continuing education class taken more than once. No credit will be granted for any class not approved per this section.

(e) Telecommunications administrators do not require continuing educations.

(f) Other administrators, master electricians, and electricians:

(i) To be eligible for renewal of an administrator certificate, master electrician or electrician certificate of competency, the individual must have completed at least eight hours of approved continuing education for each year of the prior certification period. The individual is not required to take the classes in separate years. At least eight hours of the total required continuing education must be on the currently adopted National Electrical Code changes. Beginning January 1, 2005, four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).

(ii) An individual changing an electrical administrator and an electrician certificate of competency into a master electrician's certificate of competency as allowed in RCW 19.28.191 (1)(a) or (b) must have completed at least eight hours of approved continuing education for each year of the prior electrician certificate period. The individual is not required to take the classes in separate years. Eight hours of the required continuing education must be on the currently adopted National Electrical Code changes. Beginning January 1, 2005, four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).

(iii) Any portion of a year of a prior administrator or electrician certificate period is equal to one year for the purposes of the required continuing educations.

(iv) An individual who has both an electrician certificate and an administrator certification may use the same class to fulfill the requirements for continuing education.

(g) A continuing education class attended or completed by an individual before the class's effective date cannot be used to meet the administrator or electrician certificate renewal requirements.

(h) If neither the electrical board nor the department has a contract in effect as described in this section, the department may, at its option, elect to act as the contractor. If a contractor is not in place and the department elects not to act as the contractor, the electrical board will act as the contractor. If either the electrical board or the department acts as the contractor, the following will apply:

(i) The fee for class or instructor submittal is as set in WAC 296-46B-910(4).

(ii) The electrical board or the department will:

(A) Review the application for completeness within fifteen working days after receipt.

(B) If the application is incomplete, notify the applicant within seven working days of the status of the review and what additional information is required.

(C) Complete the review and approval/denial process within fifteen working days upon receipt of a complete application or additional requested information.

(iii) An appeal of a denial by the department will be heard by the full electrical board in accordance with WAC 296-46B-995.

(3) CLASS AND INSTRUCTOR - GENERAL APPROVAL PROCESS.

(a) The contractor will review submitted class and instructor applications to determine whether the application meets the minimum requirements for approval.

(b) The contractor will deny approval of applications that do not meet the minimum requirements.

(c) All applications will be considered to be new applications (i.e., Classes and instructors may not be renewed. All applications must include all information necessary to show conformance with the minimum requirements).

(d) Minimum requirements:

(i) Application review fees:

(A) The contractor may charge a fee for review of an application. Such fees, paid by the applicant, are nonrefundable.

(B) The fee will be as set by contractor between the department and the contractor.

(C) The fee will be set for a minimum of one year.

(D) Upon mutual agreement between the department and the contractor, the fee may be raised or lowered.

(ii) Application:

(A) The applicant must submit a complete application to the contractor at least thirty calendar days prior to offering or instructing a class.

(B) The contractor will only consider material included with the application when reviewing an application.

(C) All applications will consist of:

• Two copies of all material;

• Applicant's name, address, contact name, and telephone number;

• All required fees;

• Any other information the applicant wants to consider during the review; and

• In addition, class applications will include:

– Sponsor's name, address, contact name, and telephone number;

– Class title;

– Number of continuing education hours requested for the class;

– Statement of whether the class is open to the public;

– Class syllabus (e.g., general description of the training, specific NEC articles referenced, time allowed for various subject matter, etc.);

– List of resources (e.g., texts, references, etc.);

– Copies of all visual aids;

– Sample of the completion certificate.

• In addition, instructor application will include:

– Instructor's name, address, telephone number;

– Copies of credentials or other information showing conformance with the instructor minimum qualifications.

(e) Contractor's review process:

(i) When the application is received, the contractor must:

(A) Date stamp the application;

(B) Review the application for completeness within seven working days after receipt.

(ii) If the application is incomplete, the contractor must within two working days notify the applicant of the status of the review and what additional information is required.

(A) The applicant must provide any additional information requested by the contractor within five working days after the date of notification.

(B) The contractor will deny the application if the additional required information is not received within the five working days after the date of notification.

(iii) When the contractor has received a complete application, the contractor must review and evaluate the application for compliance with the minimum requirements.

The contractor must complete the review and approval/denial process within seven working days upon receipt of a complete application or additional requested information and within two working days notify:

• The applicant in writing; and

• The chief electrical inspector in writing and electronically. The contractor's electronic notification to the chief electrical inspector must be made in a format approved by the chief electrical inspector.

(iv) A notification of denial must include:

(A) Applicant's name and telephone number;

(B) Date of denial;

(C) Sponsor's name and class title if applicable;

(D) Instructor's name if applicable; and

(E) The reason for denial.

(v) A notification of approval:

(A) For classes must include:

• Applicant's name and telephone number;

• Sponsor's name and telephone number;

• Class title;

• Class number;

• Number of hours approved for the class. Note that the contractor may reduce the hours requested in the application if the review shows that the requested number of hours is excessive;

• Effective date for this class;

• Expiration date of class;

• Category for which the class is approved (i.e., code update, RCW/WAC update, or industry related);

• Sample of written class roster and attendance sheet;

• Type of class (i.e., classroom, correspondence, internet); and

• Whether the class is open to the public.

(B) For instructors must include:

• Applicant's name and telephone number;

• Instructor's name and telephone number;

• Effective date for the approval; and

• Expiration date of the approval.

(vi) Applicant's request for review of the contractor's decision:

The applicant's may request a review of the contractor's decision to deny or modify an application:

• All requests for review must be:

• Made in writing;

• Received by the chief electrical inspector within twenty calendar days of the contractor's denial; and

• Accompanied by a review fee of \$109.50. The review fee is nonrefundable.

(4) CLASS APPROVAL PROCESS.

(a) Class approval will be valid for three years except:

(i) If the class is "code update" and a new NEC is adopted by the department within the class approval period, the class approval will be considered automatically revoked; or

(ii) If the class is modified after the application is approved, the class approval will be considered automatically revoked (i.e., change in syllabus, hours, examination, etc.).

(b) Minimum requirements:

(i) Class content:

(A) Industry-related classes must be based on:

• Codes or rules included in the NEC chapters 19.28 RCW or 296-46B WAC;

• Electrical theory based on currently published documents that are readily available for retail purchase; and/or

• Materials and methods that pertain to electrical construction, building management systems, electrical maintenance, or workplace health and safety.

(B) Code update classes must be based on the latest adopted version of the NEC and must specify the NEC articles to be addressed in the class presentation.

(C) RCW/WAC update classes must be based on the latest adopted versions of chapter 19.28 RCW and/or chapter 296-46B WAC.

(ii) Class length:

(A) The minimum allowed length of a class is four hours.

(B) The maximum allowed credit for a class is twenty-four hours.

(C) Class length must be based on two-hour increments (e.g., 4, 6, 8, etc.).

(D) Class length must be based on the following:

• Classroom instruction will be based on the total hours the individual is in the classroom.

• Correspondence instruction will be based on:

– A written examination (i.e., twenty-five questions will equal two hours of classroom instruction). Individuals must be responsible to determine the correct answer without the assistance of the sponsor.

• Internet instruction will be based on:

– A written examination (i.e., twenty-five questions will equal two hours of classroom instruction).

• Examinations must not direct or point the individual to a correct answer or reference. Individuals must be responsible to determine the correct answer without the assistance of the sponsor.

• To successfully complete a correspondence or internet class, a participant must score at least 70% on the examination required for the class.

(iii) Class material must include:

(A) Supplementary written instruction material appropriate to the type and length of the class; and

(B) If the class is code update and is provided via correspondence or internet, the sponsor must provide the individual with a nationally recognized, copyrighted publication that covers all changes to the NEC;

(iv) Class material may include:

• Supplementary internet material;

• Supplementary texts;

• Other material as appropriate.

(v) Certificates of completion:

(A) The sponsor must award a completion certificate to each individual successfully completing the approved class. To successfully complete a correspondence or internet class, a participant must score at least 70% on the examination required for the class.

(B) The completion certificate must include the:

• Name of participant;

• Participant's Washington certificate number;

• Name of sponsor;

• Name of class;

• Date of class;

• Name of instructor;

• Location of the class;

– If a classroom-type class, the city and state in which the class was given;

– If a correspondence class, state the class is a correspondence class;

– If an internet class, state the class is an internet class;

• Class approval number;

• Number of continuing units; and

• Type of continuing education units.

(vi) Instructors:

(A) For classroom instruction, all instructors must be approved per this section; and

(B) For correspondence and internet instruction, the applicant must show that the sponsor regularly employs at least one staff member who meets the requirements for instructors in this section.

(5) INSTRUCTOR APPROVAL PROCESS:

(a) Instructor approval will be valid for three years except:

(i) If the instructor's credentials are invalidated (e.g., suspension or revocation by the issuing entity) for any reason, approval will be automatically revoked.

(ii) When the instructor approval expires or is revoked, a new application must be submitted to regain approved instructor status.

(b) Minimum requirements:

(i) The application must show that the instructor meets one of the following:

(A) Has a valid Washington:

• General administrator's certificate; or

• General master electrician's certificate; and

• Has appropriate knowledge of and experience working as an electrical/electronic trainer;

(B) Is accredited by the Washington work force training and education coordinating board. The instructor's normal duties must include providing electrical/electronic education;

(C) Is a high school vocational teacher, community college, college, or university instructor. The instructor's normal duties must include providing electrical/electronic education; or

(D) Works for and is approved by a manufacturer of electrical products to teach electrical continuing education; and

(ii) Any other information the applicant wants to be considered during the review.

(6) FORMS:

(a) The contractor will:

Develop an appropriate form(s) for the applicant's use when submitting for instructor or class approval;

(b) Applicants must use the contractor's form when submitting an application for review.

(7) PUBLICATIONS:

The contractor will provide the department with appropriate material for use by the department on the electrical program website and may post the application process, review, and approval requirements on the contractor's website.

(8) CLASS ATTENDANCE:

(a) The contractor is not responsible for monitoring any individual's attendance or class completion.

(b) The department is not responsible for providing verification of an individual's continuing education history with the class sponsor;

(c) Classes offered in Washington:

(i) The sponsor must provide the department with an accurate and typed course attendance/completion roster for each class given.

(A) The attendance/completion roster must be provided within thirty days of class completion.

(B) In addition, the course sponsor must provide the attendance/completion roster in an electronic format provided by the department.

(C) The attendance/completion roster must show each individual's name, Washington certificate number, class number, location of class, date of completion, and instructor's name. The typed roster must contain the signature of the class sponsor's authorized representative.

(ii) The sponsor must provide the individual a certificate of completion within fifteen days after successful class completion. See subsection (4) of this section.

(iii) Individuals will not be granted credit for continuing education classes unless the sponsor's attendance/completion roster shows the individual successfully completed the class.

(iv) The department will keep submitted class rosters on file for four years.

(d) Classes offered in other states:

(i) For individuals to apply continuing education units earned from out-of-state classes, one of the following conditions must be met:

(A) The individual must request that the class sponsor submit a complete continuing education class application and gain approval for the class as described in this section for classes and instructors. Application for class or instructor approval will not be considered more than three years after the date the class was offered; or

(B) The department must have entered into a reciprocal agreement with the state providing class approval.

(ii) The individual must provide a copy of an accurate and completed award or certificate from the class sponsor identifying the class location, date of completion, individual's names, and Washington certificate number. The department will only accept a copy of the sponsor's certificate or form as evidence that the individual attended and completed the class.

(9) Contractor requirements:

(a) The contractor cannot be a sponsor or instructor.

(b) The contractor cannot be an employee of the department.

(c) The contractor must:

(i) Be an independent entity with no organizational, managerial, financial, design, or promotional affiliation with any sponsor or instructor covered under the contractor's review and approval/denial process;

(ii) Employ at least one staff member having a valid 01-General Administrator or 01-General Master Electrician Certificate. This staff member:

(A) Is responsible for reviewing and determining an application's approval or denial; and

(B) Must sign the written notification provided to applicants for all approvals and denials;

(iii) Receive, review, and process all applications as required in this section;

(iv) Allow the department access to the contractor's facilities during normal working hours to audit the contractor's ability to conform to the contract requirements;

(v) Treat all applications as proprietary information;

(vi) Respond to and attempt to resolve complaints contesting the review or approval/denial process performed by the applicant;

(vii) Notify the department within ten working days of any change in business status or ability to conform to this section;

(viii) Maintain one copy, original or electronic, of all applications and associated materials for a period of three years from the date of receipt.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-990 Failure to comply with the electrical contractor licensing, administrator certification, or electrician certification laws. General.

(1) If the compliance officer or electrical inspector/auditor determines that an individual, employer, or employee has violated chapter 19.28 RCW or this chapter, the department will issue a citation that describes the violation.

Suspension or revocation - of an electrical contractor's license, administrator's certificate, master electrician's certificate of competency, electrician's certificate of competency, temporary electrician's permit, or training certificate.

(2) The department may revoke or suspend, for such time as it determines appropriate, an electrical contractor's license, administrator's certificate, master electrician's certificate of competency, electrician's certificate of competency, temporary electrician's permit, temporary specialty electrician's permit, or training certificate if:

(a) The license, certificate, or permit was obtained through error or fraud;

(b) The license, certificate, or permit holder is judged to be incompetent to work in the electrical construction trade as a master electrician, journeyman electrician, specialty electrician, electrical technician, temporary electrician, temporary specialty electrician, or electrical trainee;

(c) For serious noncompliance as described below. See RCW 19.28.241 and 19.28.341 for other grounds and procedures.

(d) A temporary electrician permit or temporary specialty electrician permit holder has violated any of the provisions of chapter 19.28 RCW or any rule adopted under chapter 19.28 RCW;

(e) The license or certificate holder incompletely or inaccurately reported continuing education units on an application for renewal; or

(f) The certificate holder falsely, incompletely, or inaccurately reported previous work experience.

The department will deny an application for any license/certificate during the period of revocation or suspension of the same or another license/certificate under chapter 19.28 RCW.

(3) For the purposes of this section, serious noncompliance includes, but is not limited to, any of the following:

(a) Failure to correct a serious violation. A serious violation is a violation of chapter 19.28 RCW or chapter 296-46B WAC that creates a hazard of fire or a danger to life safety. A serious violation is also a violation that presents imminent danger to the public. Imminent danger to the public is present when installations of wire and equipment that convey or utilize electric current have been installed in such a condition that a fire-hazard or a life-safety hazard is present. Imminent danger to the public is also present when unqualified, uncertified, or fraudulently certified electricians or administrators; or unlicensed or fraudulently licensed contractors are continuously or repeatedly performing or supervising the performance of electrical work covered under chapter 19.28 RCW. For the purposes of this section, a certified electrician is considered qualified, provided the electrician is working within his or her certification;

(b) The license or certificate was obtained through error or fraud;

(c) Submitting a fraudulent document to the department;

(d) Continuous noncompliance with the provisions of chapter 19.28 RCW or this chapter. For the purposes of this section, continuous noncompliance will be defined as three or more citations demonstrating a disregard of the electrical law, rules, or regulations within a period of three years, or where it can be otherwise demonstrated that the contractor, master electrician, electrician, or administrator has continuously failed to comply with the applicable electrical standards;

(e) Failure to make any books or records, or certified copies thereof, available to the department for an audit to verify the hours of experience submitted by an electrical trainee;

(f) Making a false statement or material misrepresentation on an application, statement of hours, or signed statement required by the department; ((e))

(g) The certificate holder falsely or inaccurately reported continuing education units on an application for renewal;

(h) Installing a shortened rod/pipe grounding electrode, improper splicing of conductors in conduits/raceways or concealed within walls, or installing a fake equipment grounding conductor.

For any act of serious noncompliance, the person, firm, partnership, corporation, or other entity may be referred to the county prosecutor for criminal prosecution under chapter 9A.72 RCW. The department may also file a civil action under chapter 19.28 RCW.

(4) Before a license, certificate, or temporary electrician permit is revoked or suspended, the certificate holder will be given written notice of the department's intention to suspend or revoke. Notification will be sent by registered mail to the certificate holder's last known address. The notification will list the allegations against the certificate holder, and provide the certificate holder with the procedures necessary to request a hearing before the electrical board as described in WAC 296-46B-995.

Confiscation - of an electrical contractor's license, administrator certificate, electrician certificate of competency, temporary electrician permit, or training certificate.

(5) The department may confiscate a license, certificate, or temporary electrician permit that is counterfeit, revoked, expired, suspended, or altered. The individual may be referred to the county prosecutor for criminal prosecution under chapter 9A.72 RCW. The department may also file a civil action under chapter 19.28 RCW.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-995 Electrical board—Appeal rights and hearings. General.

(1) Chapter 19.28 RCW provides the authority for the duties and responsibilities of the electrical board. Except as provided in chapter 19.28 RCW and this chapter, all proceedings will be conducted according to chapter 34.05 RCW the Administrative Procedure Act and chapter 10-08 WAC, Model rules of procedure. See chapter 34.05 RCW the Administrative Procedure Act for specific definitions not described in this chapter.

(2) See RCW 19.28.311 for the composition of the electrical board.

(3) The board adopts the current edition of the "*Roberts' Rules of Order, Newly Revised.*"

(4) The board will hold regular meetings on the last Thursday of January, April, July, and October of each year per RCW 19.28.311.

(5) The director or the chairperson of the board may call a special meeting at any time.

(6) Each board member must be notified in writing of the agenda, date, time, and place of each regular and special meeting. "Writing" includes by electronic mail, also known as "e-mail," if the member has provided an e-mail address for such notice.

(7) The board or department may elect to have an appeal heard by the office of administrative hearings either tape recorded or transcribed by a court reporter; and the board

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may so elect regarding hearings or board reviews heard by the board as a whole.

(8) A majority of the board constitutes a quorum for purposes of rendering any decision.

(a) If a majority does not attend a hearing or board review on an appeal, the board may either continue the hearing or board review to a date certain or may hear the testimony and arguments.

(b) If the board hears the testimony and arguments, the members of the board who are absent may make their decisions after hearing the tape recording or reading the transcript, of the hearing or board review.

(c) If the board selects the method in subsection (8)(b) of this section, at the time of the hearing, the board shall set a date certain for the absent members to complete review of the record and for the board as a whole to vote on the decision. The vote in subsection (8)(b) and (c) of this section may occur by U.S. mail, facsimile or by electronic mail and shall be determined by the board at the hearing; the members' votes shall be public record.

(9) All filings and documents for any matter before the board must be submitted to the chief electrical inspector, as secretary to the board, 7273 Linderson Way, P.O. Box 44460, Olympia, WA 98504-4460. The filings may be submitted by ordinary mail, certified or registered mail, or by personal delivery.

(10) All hearings before the board as a whole shall be held on regularly scheduled meeting dates, as listed in subsection (4) of this section, unless the board determines that an alternate date is necessary. All notices of appeal, with a certified check payable to the department in the sum of two hundred dollars if required, must be received in the office of the chief electrical inspector, as secretary to the board, at least thirty days before the regularly scheduled board meeting at which the hearing would occur. The appellant must submit any written argument, briefs testimony or documents for the board's consideration at least twenty days prior to the scheduled hearing.

Appeals

(11) Appeals of penalties issued by the department.

(a) A party may appeal a penalty issued by the department, pursuant to chapter 19.28 RCW and this chapter, to the board. The appeal shall be assigned to the office of administrative hearings.

(b) The appeal must be filed within twenty days after the notice of the decision or penalty is served on the assessed party either by personal service or by certified mail, return receipt requested, sent to the last known address of the assessed party and shall be made by filing a written notice of appeal with the chief electrical inspector, as secretary to the board. The request for an appeal must be accompanied with a certified check payable to the department in the sum of two hundred dollars.

(12) Appeals of proposed decisions issued by the office of administrative hearings.

(a) A party may appeal a proposed decision issued by the office of administrative hearings pursuant to chapter 19.28 RCW to the board. The appeal must be filed within twenty days after service of the decision and must be made by filing

a written notice of appeal with the chief electrical inspector, as secretary to the board.

(b) The notice of appeal of a proposed decision must be received in the office of the chief electrical inspector, as secretary to the board, at least thirty days before a regularly scheduled board meeting. The appellant must submit any written argument, briefs testimony or documents for the board's consideration at least twenty days prior to the scheduled hearing.

(13) Appeals of suspension or revocation.

(a) An appeal of the suspension or revocation of a license or certificate of competency under RCW 19.28.241 and 19.28.341 will be heard by the board in accordance with chapter 34.05 RCW and not assigned to the office of administrative hearings. The board will conduct the hearing and may elect to have the assistance of an administrative law judge in the proceeding.

(b) The notice of appeal, with the certified check payable to the department in the sum of two hundred dollars for appeals of a revocation or suspension of a contractor's or administrator's license, must be filed within twenty days after the notice of suspension or revocation is served on the subject of said action, either by personal service or by certified mail, return receipt requested, sent to the last known address of the subject and shall be filed by written notice of appeal with the chief electrical inspector, as secretary to the board.

(14) Appeals of decisions on installation.

(a) A party may seek board review for disputes relating to the interpretation and application of electrical/telecommunications installation or maintenance standards under RCW 19.28.111, 19.28.480, and 19.28.531. The board will conduct the hearing and may elect to have the assistance of an administrative law judge in the proceeding.

(b) The notice of appeal, with the certified check payable to the department in the sum of two hundred dollars, must be received in the office of the chief electrical inspector, as secretary to the board, at least thirty days before a regularly scheduled board meeting. The appellant must submit any written argument, briefs testimony or documents for the board's consideration at least twenty days prior to the scheduled hearing.

(15) Appeals of a continuing education class or instructor for denials or revocations.

(a) A party may appeal a decision issued by the department, pursuant to WAC 296-46B-970 (3)(e)(vi), if the department acts as the contractor pursuant to WAC 296-46B-970 (2)(h) to the board.

(b) The appeal must be filed within twenty days after the notice of the decision is served on the assessed party either by personal service or by certified mail, return receipt requested, sent to the last known address of the assessed party and shall be made by filing a written notice of appeal with the chief electrical inspector, as secretary to the board. The request for an appeal must be accompanied with a certified check payable to the department in the sum of two hundred dollars that is refundable to the appellant if the appellant's appeal is upheld by the board.

(16) Judicial review of final decisions of the board.

A party may seek judicial review of a final order of the board within thirty days after service of the decision.

Appeals of final decisions and orders must be done in accordance with chapter 34.05 RCW.

~~((16))~~ (17) If appeal(s) according to subsections (11), (12), ~~((and))~~ (13), and (15) of this section are not filed or the appeal is not filed timely, the proposed decision or action becomes final with no further action on the part of the department or the board.

~~((17))~~ (18) Appeals - general requirements.

(a) Appeals according to subsections (11) ~~((and))~~, (12), or (15) of this section must specify the contentions of the appellant, and must for subsection (12) of this section specify to which conclusions of law and findings of fact the party takes exception. The appeal will be based on the record of the hearing. The board shall not grant a hearing de novo.

(b) In appeals under subsections (12), (13) ~~((and))~~, (14), and (15) of this section, the issues to be adjudicated must be made as precise as possible, in order that the board may proceed promptly to conduct the hearing on relevant and material matter only.

(c) In all appeals of chapter 19.28 RCW and this chapter, the appellant has the burden of proof by a preponderance of the evidence.

Appearance and practice before board.

~~((18))~~ (19) No party may appear as a representative in proceedings other than the following:

(a) Attorneys at law qualified to practice before the supreme court of the state of Washington;

(b) Attorneys at law qualified to practice before the highest court of record of another state, if the attorneys at law of the state of Washington are permitted to appear as representatives before administrative agencies of the other state, and if not otherwise prohibited by Washington law; or

(c) An owner, officer, partner, or full-time employee of a firm, association, organization, partnership, corporation, or other entity who appears for the firm, association, organization, partnership, corporation or other entity.

~~((19))~~ (20) All persons appearing in proceedings as a representative must conform to the standards of ethical conduct required of attorneys before the courts of Washington. If a person does not conform to these standards, the board may decline to permit the person to appear as a representative in any proceeding before the board.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-999 Electrical testing laboratory requirements. General.

(1) This chapter describes the methods required to obtain recognition and accreditation of electrical product(s) certification and/or field evaluation laboratories by the state of Washington. This chapter provides assurance to the general consuming public that electrical products have been tested for safety and identified for their intended use.

(2) An electrical product is considered to be safe when it is either certified by a laboratory accredited by the department or labeled with a field evaluation mark by a laboratory accredited by the department.

(a) The department may declare electrical equipment unsafe if:

(i) The equipment is not being manufactured or produced in accordance with all standards of design and construction and all terms and conditions set out in the certification report for the equipment referred to in this chapter;

(ii) The equipment has been shown by field experience to be unduly hazardous to persons or property;

(iii) An examination of the equipment or of the certification report for the equipment shows that the equipment does not comply with all applicable standards; or

(iv) An examination of the certification report or the equipment shows that the equipment cannot be installed in accordance with this chapter.

(b) When the department declares an electrical product unsafe, the department will:

(i) Notify the product manufacturer and the appropriate testing laboratory in writing;

(ii) Notify the general public by:

(A) Report to the Consumer Product Safety Commission;

(B) A published article in the *Electrical Currents*;

(C) Internet website posting; and

(D) News release.

Accreditation - general.

(3) The department's chief electrical inspector's office ~~((provides forms and procedures enabling applicants to submit the data necessary for evaluation or accreditation))~~ reviews requests for accreditation or evaluation. Applicants must submit supporting data as outlined in subsections (4) through (54) of this section.

(4) The accreditation period of a NRTL will be valid for the period of the laboratory's current OSHA NRTL accreditation. The accreditation of a non-NRTL will be valid for the period of five years from the date of the department's accreditation.

(5) On-site inspection of a laboratory.

(a) On-site inspection of the laboratory may be required during the initial application process or the renewal process. Technically qualified representative(s) of the department will evaluate for compliance with accreditation criteria.

(b) On-site inspection is not required for NRTL-recognized laboratories requesting approval as certification laboratories using standards for which NRTL recognition has been approved.

(c) The department may waive on-site inspection for:

(i) Laboratories recognized or accredited by another state determined to provide an accreditation program acceptable to the department; or

(ii) NRTL-recognized laboratories requesting approval as certification laboratories for using other standards for which NRTL recognition has not been approved.

(d) The applicant must pay all costs associated with the on-site inspection.

(6) For purposes of chapter 19.28 RCW, all laboratories which certify and/or field evaluate electrical products offered for sale in the state of Washington must be accredited by the department. A NRTL requesting approval as a certification

laboratory will be approved for accreditation by the department upon completion of the application process.

(7) Fees are payable as required in WAC 296-46B-911.

(8) The laboratory must apply for renewal of accreditation at least thirty days prior to the accreditation expiration date. The department will renew accreditation for the period specified in subsection (4) of this section or notify the renewing laboratory of the department's reason(s) of refusal following receipt of the completed form and renewal fee. Accreditation may be renewed or refused for one or more electrical product category(ies).

(9) The department accepts or denies laboratory accreditation for all laboratories within the state. Accreditation is determined when a laboratory provides evidence to the department that all the requirements of this chapter are met. Accreditation is determined by the department and prior to making a determination, the department may require information and documentation to be provided by the laboratory.

(a) Accreditation is subject to review when deemed necessary by the department. The laboratory must pay all costs associated with on-site review.

(b) Every accredited laboratory must continue to satisfy all the conditions specified in this chapter during the period of the accreditation. A non-NRTL accredited laboratory must furnish the department an annual report detailing the extent of its activities for the year. The report must include, but not be limited to:

- (i) The number of factory inspections;
- (ii) Organizational structure;
- (iii) Statement of ownership;
- (iv) Laboratory equipment verification;
- (v) Client accreditation programs;

(vi) Reports of litigation, which in any way were the result of or may affect any accreditation or testing of products covered by this chapter; or

(vii) Assessment of recordkeeping (i.e., certification/evaluation plans, certification/evaluation reports).

(c) The department will notify the applicant of the accreditation results. A letter of accreditation from the department is proof of the accreditation of a laboratory.

(10) The laboratory will be approved to certify only those categories identified and authorized by the department. The department will approve and list electrical product category(ies) the laboratory is qualified to certify or evaluate. The accreditation letter will indicate the electrical product category(ies) for which accreditation is issued.

(11) The department may exclude specific electrical products from acceptance. When required, the laboratory must provide evidence, acceptable to the department, that the laboratory is qualified to certify or field evaluate the specific electrical product. Laboratory recognition as an NRTL for the standard(s) used to certify or field evaluate an electrical product will be acceptable evidence. The standards used for certification or field evaluation must be determined by the department to be acceptable and applicable to the electrical product being certified or field evaluated.

Suspension or revocation.

(12) Any laboratory failing to comply with the requirements of this chapter or submitting false information may

have accreditation revoked or suspended for one or more electrical product category(ies).

(13) The department may suspend or revoke the accreditation of any laboratory found to be in noncompliance with this chapter or the laws of the state of Washington.

(14) The department will serve written notice of intent prior to suspension, revocation, or refusal to renew the accreditation of a laboratory.

(15) The laboratory must immediately notify all manufacturers whose products are covered by the accreditation that such products manufactured subsequent to the departmental revocation and offered for sale in the state of Washington can no longer bear the laboratory's label that identified it as a certified product in the state of Washington. A laboratory, whose accreditation has been suspended, may not reapply for accreditation during the period of such suspension. A laboratory, whose accreditation has been revoked, may reapply for accreditation no sooner than one year after the date of revocation of accreditation.

Business structure, practices, and personnel.

(16) The laboratory must be an independent, third-party organization with no organizational, managerial, financial, design, or promotional affiliation with manufacturers, suppliers, installers, or vendors of products covered under its certification or evaluation programs.

The laboratory must have an adequate diversity of clients or activity so that the loss or award of a specific contract regarding certification or evaluation would not be a deciding factor in the financial well-being of the laboratory.

(17) The laboratory must adequately meet the following business practices:

(a) Perform the examinations, tests, evaluations, and inspections required under the certifications programs in accordance with the designated standards and procedures;

(b) Assure that reported values accurately reflect measured and observed data;

(c) Limit work to that for which competence and capacity is available;

(d) Treat test data, records, and reports as proprietary information;

(e) Respond and attempt to resolve complaints contesting certifications and evaluation results;

(f) Maintain an independent relationship between its clients, affiliates, and other organizations so the laboratory's capacity to give certifications and evaluations objectively and without bias is not adversely affected; and

(g) Notify the department within thirty calendar days should it become unable to conform to any of the requirements of this chapter.

(18) Laboratories accredited under this chapter must notify the department within thirty calendar days of any of the following:

(a) Change in company name and/or address;

(b) Changes in major test equipment which affect the ability to perform work for which accredited;

(c) Changes in principal officers, key supervisory and responsible personnel in the company including the director of testing and engineering services, director of follow-up services, and the laboratory supervisor; or

(d) Change in independent status.

(19) The laboratory must develop and maintain a certification or evaluation program plan that includes, but is not limited to:

(a) The procedures and authority to ensure the product complies with the standard(s) established by the program;

(b) A quality control system;

(c) Adequate personnel to perform the certification or evaluation;

(d) Verification and maintenance of facilities and/or equipment; or

(e) Sample selection as applicable for product certifications, and for component testing as necessary for field evaluations.

The plan must demonstrate that the laboratory has adequate personnel, facilities, and equipment to perform all certifications and testing for which it is accredited by the state of Washington. These elements must be contained in the laboratory operations control manual.

(20) The laboratory must develop and maintain a quality control system adequate to assure the accuracy and technical integrity of its work as follows:

(a) The laboratory's quality control system must include a quality control or laboratory operations control manual;

(b) The quality control or laboratory operations control manual must be adequate to guide a testing technician or inspector in conducting the inspection, evaluation, and/or test in accordance with the test methods and procedures required for the laboratory's certification and/or evaluation program(s); and

(c) The laboratory must have a current copy of its quality control or laboratory operations control manual available in the laboratory for use by laboratory personnel.

(21) Competent personnel who must have training, technical knowledge, and experience adequate to perform the tests, examinations, and evaluations for the certification and/or evaluation activities for which recognition is sought must staff the laboratory.

(22) The laboratory must:

(a) Provide adequate safeguards protecting the employment status of personnel from the influence or control of manufacturers, vendors, or installers of electrical products certified or tested by the laboratory;

(b) Develop and maintain a job description for each technical position category;

(c) Ensure the competency of its staff to perform assigned tasks through individual yearly observation and/or examination by a person(s) qualified by the person who has technical responsibility for the laboratory;

(d) Develop and maintain records of the results and dates of the observation or examination of personnel performance;

(e) Maintain information on the training, technical knowledge, and experience of personnel; and

(f) Develop and maintain an adequate training program assuring that new or untrained personnel will be able to perform assigned tasks properly and uniformly.

Recordkeeping and reporting - general.

(23) The laboratory must develop and maintain records and reports of those testing, inspection, certification, and

evaluation activities associated with each program for which accreditation is sought. The laboratory must retain these records for a minimum of three years.

(24) The laboratory must make available to the department, upon request, all records required by the department to verify compliance with this chapter.

Recordkeeping and reporting - certification.

(25) Certification reports must contain, as applicable:

(a) Name and address of the laboratory;

(b) Pertinent data and identification of tests or inspections;

(c) Name of client;

(d) Appropriate product title;

(e) Designation of standards used to certify or test the product including edition and latest revision (e.g., UL 508, 16th Edition, Feb. 1993, Revision Oct. 9, 1997);

(f) Description and identification of the sample including, as necessary, where and how the sample was selected;

(g) Identification of the test, inspection, or procedure as specified for certification or evaluation by the standard;

(h) Known deviations, additions to, or exclusions from evaluation and certification activities in order to be appropriate for new or innovative products not contemplated by the standard;

(i) Measurements, examinations, derived results, and identification of test anomalies;

(j) A statement as to whether or not the results comply with the requirements of the standard;

(k) Name, contact information, and signature of person(s) having responsibility for the report;

(l) Raw data, calculations, tables, graphs, sketches, and/or photographs generated during certification or evaluation must be maintained if not included in the report;

(m) Control forms documenting the receipt, handling, storage, shipping, and testing of samples;

(n) Laboratory records of its quality control checks and audits for monitoring its test work associated with its certification programs, including:

(i) Records of products assurance (follow-up) test results; and

(ii) Records of detected errors and discrepancies and actions taken subsequent to such detection.

(o) Record of written complaints and disposition thereof; and

(p) A statement that records required by these criteria will be maintained for a minimum of three years after cessation of the certification or evaluation.

Recordkeeping and reporting - field evaluation.

(26) The evaluation report must include:

(a) Name and address of the laboratory;

(b) Name of client;

(c) Address where the evaluated product is or will be installed;

(d) Designation of standards used to certify or test the product including edition and latest revision (e.g., UL 508, 16th Edition, Feb. 1993, Revision Oct. 9, 1997);

(e) Description and identification of the nonlisted and nonlabeled component(s) requiring evaluation by applicable standard(s);

(f) Description of the overall product evaluated to include full nameplate data and equipment type;

(g) A statement as to whether or not the results comply with the requirements of the standard;

(h) Pertinent test evaluation data and identification of tests or inspections including anomalies;

(i) Signature of person(s) having responsibility for the report;

(j) Any condition of acceptability or restrictions on use/relocation;

(k) Serial number(s) of the field evaluation label(s) applied must be included with the equipment identification; and

(l) The labor and industries department file identification number;

(27) Within thirty calendar days after affixing the evaluation mark, the laboratory must submit a copy of the evaluation report to:

(a) The department's chief electrical inspector submitted electronically in a format approved by the department;

(b) Local electrical inspection office submitted electronically in a format approved by the department; and

(c) Client submitted in any format acceptable to the client and testing laboratory.

Facilities and equipment.

(28) The laboratory must provide adequate evidence of the calibration, verification, and maintenance of the facilities and equipment specified for each certification or evaluation.

(29) Verification and maintenance of facilities and equipment must include as applicable, but not be limited to:

(a) Equipment description;

(b) Name of manufacturer;

(c) Model, style, serial number, or other identification;

(d) Equipment variables subject to calibration and verification;

(e) Statement of the equipment's allowable error and tolerances of readings;

(f) Calibration or verification procedure and schedule;

(g) Dates and results of last calibrations or verifications;

(h) Specified maintenance practices;

(i) Calibration and/or verification of equipment used;

(j) Name and contact information of personnel or outside contractor providing the calibration or verification service; and

(k) Traceability to National Institute of Standards and Technology or other equivalent standard reference authority.

Standards.

(30) The laboratory must have copies available, for laboratory personnel use, of applicable standards and other documents referred to or used in performing each certification or test for which approval is sought.

(31) If a laboratory desires to use a standard other than an ANSI standard, the department will evaluate the proposed standard to determine that it provides an adequate level of safety. The National Electrical Code, NFPA 70, will not be

allowed to be the primary standard used to evaluate a product.

Product certification.

(32) The electrical product certification program must contain test procedure(s), standard(s) used, certification agreement(s), method(s) of identification of products, follow-up inspection, and other laboratory procedures and authority necessary to ensure that the product complies with the standards (requirements) established by the program.

(33) All components of certified or tested products must be labeled or evaluated for compliance with all standards and conditions of use applicable to such components.

(34) The laboratory must publish an *Annual Product Directory* identifying products that are authorized to bear the laboratory's certification mark. The products directory must briefly describe the program, the products covered, the name of the manufacturer or vendor of the certified products, and the identification of the published standards or the compiled requirements on which the program is based. The product directory must be available to the public. Supplemental up-to-date information must be available to the public at the office of the laboratory during normal business hours.

Certification laboratory/manufacturer - agreement.

(35) Measures to provide for manufacturer compliance with the provisions of the product standard and laboratory control of the use of the certification mark must be embodied in an agreement between the manufacturer and the certification laboratory. The certification agreement must:

(a) Require the manufacturer to provide information and assistance as needed by the laboratory to conduct the necessary product conformity and production assurance evaluation;

(b) Allow the laboratory's representative(s) access to the manufacturer's facilities during working hours for inspection and may allow audit activities without prior notice;

(c) Restrict the manufacturer's application of certification marks to products that comply with requirements of the product standard;

(d) Secure the manufacturer's agreement to the publication of notice by the certification laboratory for any product already available in the marketplace that does not meet the safety standard;

(e) Require reevaluation of products whenever the standard covering the product is revised;

(f) Require the laboratory to notify the manufacturer's personnel responsible for and authorized to institute product recall in the case of a hazard;

(g) Provide for control of certification marks by the laboratory;

(h) Require that the laboratory provide the manufacturer with a report of original product evaluation. The report must document conformity with applicable product standards by test results and other data; and

(i) Require the identification of the manufacturer(s) of the product and the location(s) where the product is produced.

Certification mark.

(36) The laboratory owns the certification mark.

(37) The certification mark must be registered as a certification mark with the United States Patent and Trademark Office.

(38) The certification mark must:

(a) Not be readily transferable from one product to another; (b) Be directly applied to each unit of production in the form of labels or markings suitable for the environment and use of the product. When the physical size of the unit does not permit individual marking, markings may be attached to the smallest package in which the unit is marketed;

(c) Include the name or other appropriate identification of the certification laboratory;

(d) Include the product category; and

(e) The laboratory must have a system of controls and records for all marks. The records must include marks removed or otherwise voided. See WAC 296-46B-999(25).

(39) The certification mark may be applied to the product prior to authorizing the use of a certification mark on a product. The laboratory must:

(a) Determine by examination and/or tests that representative samples of the product comply with the requirements (standards). Components of certified products must comply with the applicable safety requirements (standards) or be listed. Evaluation of the product design must be made on representative production samples or on prototype product samples with subsequent verification that factory productions are the same as the prototype;

(b) Determine that the manufacturer has the necessary facilities, test equipment, and control procedures to ensure that continuing production of the product complies with the requirements; and

(c) If the certification mark is not applied at the manufacturing facility, the laboratory must provide prior notification to the department of its intent to affix the certification mark in the field.

Certification laboratory product - assurance/follow up.

(40) To verify continued product acceptability, the laboratory must develop and maintain a factory follow-up inspection program and manual to determine continued compliance of certified products with the applicable standard.

(41) The follow-up inspection file must include the:

(a) Conditions governing the use of the certification mark on products;

(b) Identification of the products authorized for certification;

(c) Identification of manufacturer and plant location at which manufacture and certification are authorized;

(d) Description, specifications, and requirements applicable to the product;

(e) Description of processes needed for control purposes;

(f) Description of the manufacturer's quality assurance program when used as part of the follow-up program;

(g) Description of inspections and tests to be conducted by the manufacturer and the laboratory; and

(h) Description of follow-up tests to be conducted in the laboratory.

(42) Follow-up procedures and activities must include:

(a) Periodic inspections at the factory with testing at the factory or certification laboratory of representative samples selected from production and, if appropriate, from the market;

(b) Periodic auditing or surveillance of the manufacturer's quality assurance program through the witnessing of manufacturer's tests, review of the manufacturer's records, and verification of the manufacturer's produced data;

(c) Investigation of alleged field failures upon department request; and

(d) Procedures for control of the use of the certification mark by:

(i) Keeping records of the release and use of certification marks;

(ii) Removal of marks from noncomplying products;

(iii) Return or destruction of unused marks when the authority to use the marks is terminated; and

(iv) Legal action.

(43) The frequency of laboratory follow-up inspections must not be less than four times per year during production, unless adequate data is provided to the department to justify less frequent inspections. If there is no production during the year, at least one follow-up inspection is to be completed. The frequency of follow-up inspections must be sufficient to provide a reasonable check on the method(s) the manufacturer exercises to assure that the product bearing the certification mark complies with the applicable standards.

Field evaluation - requirements.

(44) The field evaluation laboratory may perform evaluations on any products or product categories previously approved by the department. NRTL recognition may be accepted by the department as a basis for approval to perform field evaluations. Since OSHA does not review or recognize laboratories for field evaluation purposes, laboratories seeking accreditation from the department for field evaluation may be required to provide additional justification of capability such as, but not limited to: Recordkeeping, employee standards and proficiency, equipment requirements, and other requirements described in this chapter.

(45) The laboratory must request permission from the department in writing two working days prior to conducting any field evaluation of an electrical product to be installed in any jurisdiction in the state. Requests must be made using a department-supplied form.

(46) The field evaluation process must be completed within six months following department approval. If the field evaluation is not completed within six months following department approval, the laboratory must request permission from the department in writing to continue the evaluation process. If this secondary permission is granted to the laboratory, the department may require the equipment to be placed out-of-service except as necessary to complete the field evaluation process.

(47) The scope of a field evaluation will depend on the status of the item to be evaluated as follows:

(a) A new piece of equipment must have a complete evaluation of all components and the assembly as provided by the manufacturer. For example: An industrial machine

with a control panel, remote motors, sensors, controls, and other utilization equipment; and

(b) A product that has been modified internally or by an addition need have only those portions evaluated that were affected by the modification. For example: A switchboard with multiple sections that has a section added would only need the new section, the one section immediately adjacent, and any control modifications evaluated.

(48) Each unit that receives a field evaluation mark applied by the field evaluation laboratory must have sufficient inspections and/or testing completed to ensure it is in essential conformance with the applicable product standard(s).

(49) The laboratory may perform the preliminary evaluation in the manufacturer's facility. Final evaluation and acceptance of the product must be made on-site at the location of final installation, unless waived by the department.

Field evaluation mark.

(50) Only laboratory personnel may apply the field evaluation mark after final acceptance of the product. The field evaluation label must be applied on-site at the location of the final installation, unless waived by the department.

(51) The field evaluation laboratory must have a system of controls and records for all field evaluation marks it applies. The records must include labels removed or otherwise voided.

(52) A field evaluated product may be relocated or fed from a different power source if not prohibited by the field evaluation mark or the field evaluation report.

(53) The field evaluation mark must:

(a) Not be readily transferable from one product to another;

(b) Be directly applied by the laboratory personnel to each unit of production in the form of labels or markings suitable for the environment and use of the product;

(c) Include the name or other appropriate identification of the certification laboratory; and

(d) Include a unique evaluation laboratory reference number.

(54) The field evaluation laboratory must have a system of controls and records for all field evaluation marks it applies. The records must include labels removed or otherwise voided. See subsection (26) of this section.

WSR 04-08-089
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 6, 2004, 12:36 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-15-114 and 02-09-089.

Title of Rule: Chapter 296-400A WAC, Plumber certification rules.

Purpose: The purpose of this rule making is to make substantive changes to the plumber certification rules (chap-

ter 296-400A WAC) in response to the passage of chapter 82, Laws of 2002 (ESHB 2470), and chapter 399, Laws of 2003 (ESSB 5713) from the 2002 and 2003 legislative sessions. Also, these rules propose to increase the fees associated with plumber certification by the fiscal growth factor for fiscal year 2004 of 3.2% rounded down to the nearest tenth of a dollar. This is the maximum allowable amount established by the Office of Financial Management. These fee increases are necessary to maintain the financial health and operational effectiveness of the plumber program.

These changes are necessary to:

- Establish necessary provisions associated with the department's new audit authority;
- Establish necessary provisions associated with the new continuing education requirements;
- Increase fees by the fiscal growth factor established by the Office of Financial Management of 3.2 % rounded down to the nearest tenth of a dollar; and
- Make necessary housekeeping changes.

Statutory Authority for Adoption: RCW 18.106.040, 18.106.140, chapter 82, Laws of 2002 (ESHB 2470), and chapter 399, Laws of 2003 (ESSB 5713).

Statute Being Implemented: Chapter 18.106 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Pete Schmidt, Tumwater, (360) 902-5571; Implementation and Enforcement: Patrick Woods, Tumwater, (360) 902-6348.

Name of Proponent: Department of Labor and Industries, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has considered whether these proposed rules are subject to the Regulatory Fairness Act and has determined that they do not require a small business economic impact statement because the costs associated with the proposed changes are exempted by law (see RCW 19.85.025 referencing RCW 34.05.310(4)) from the small business economic impact requirements and/or do not impose a more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. Significant rule-making criteria does not apply to these rule changes because the exempt criteria outlined in RCW 34.05.328(5) was met.

Hearing Location: Department of Labor and Industries Building, 901 North Monroe Street, Suite 100, Spokane, WA, on May 11, 2004, at 2:00 p.m.; and at the Department of Labor and Industries Building, 7273 Linderson Way S.W., Tumwater, WA, on May 12, 2004, at 4:00 p.m.

Assistance for Persons with Disabilities: Contact Christine Swanson by May 3, 2004, at (360) 902-6411 or copc235@lni.wa.gov for special assistance/accommodation needs.

Submit Written Comments to: Christine Swanson, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, e-mail copc235@lni.wa.gov, fax (360) 902-5292, by May 12, 2004. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: May 18, 2004.

April 6, 2004
Paul Trause
Director

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-005 What definitions do I need to know to understand these rules? Unless a different meaning is clearly required by the context, the following terms and definitions are important:

"Advisory board" is the state advisory board of plumbers.

"Audit" means an assessment, evaluation, examination or investigation of, contractor's accounts, books and records for the purpose of verifying the contractor's compliance with RCW 18.106.320.

"Backflow assembly" or **"backflow prevention assembly"** or **"backflow preventer"** is a device as described in the Uniform Plumbing Code ((that is)) used to prevent the ((undesirable)) undesired reversal of flow of water or other substances through a cross-connection into the public water system or consumer's potable water system.

"Backflow assembly tester" is an individual certified by the department of health to perform tests to backflow assemblies.

"Continuing education" is approved plumbing and electrical courses for journeyman and residential specialty plumbers, to meet the requirements to maintain their plumbing certification and for trainees or individuals to become certified plumbers in Washington.

"Continuing education course provider" is an entity approved by the department, in consultation with the state advisory board of plumbers, to provide continuing education training for journeyman, specialty residential plumbers and trainees. All training course providers must comply with the requirements in WAC 296-400A-028.

"Continuity affidavit" is a form developed by the department that is used to verify whether medical gas pipe installation work has been performed. This form is provided to the department annually by the person holding the medical gas piping installer endorsement and requires the signature of the employer of the medical gas piping installer.

"Contractor" means any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any work covered by the provisions of chapter 18.106 RCW by way of trade or business, or any person, corporate or otherwise, who employs anyone, or offers or advertises to employ anyone, to engage in any work covered by the provisions of chapter 18.106 RCW and is registered as a contractor under chapter 18.27 RCW.

"Dispatcher" means the contractor's employee who authorized the work assignment of the person employed in violation of chapter 18.106 RCW.

"Department" is the department of labor and industries.

"Director" is the director of the department of labor and industries.

"Journeyman plumber" is anyone who has learned the commercial plumbing trade and has been issued a journeyman certificate of competency by the department. A journeyman plumber may work on plumbing projects including residential, commercial and industrial worksite locations.

"Medical gas piping installer" is anyone who has been issued a medical gas piping installer endorsement of competency by the department.

"Medical gas piping systems" are piping systems that convey or involve oxygen, nitrous oxide, high pressure nitrogen, medical compressed air and medical vacuum systems.

"Plumbing" is that craft involved in installing, altering, repairing and renovating potable water systems, liquid waste systems and medical gas piping systems within a building. The installation of water softening or water treatment equipment into a water system is not considered plumbing.

~~("Plumbing contractor" means any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any work covered by the provisions of chapter 18.106 RCW and these rules by way of trade or business, or any person, corporate or otherwise, who employs anyone, or offers or advertises to employ anyone, to engage in any work covered by the provisions of chapter 18.106 RCW and these rules and is registered as a contractor under chapter 18.27 RCW.)~~

"Records" include, but are not limited to, all bids, invoices, billing receipts, time cards and payroll records that show the work was performed, advertised, or bid.

"Specialty plumber" is anyone who has been issued a specialty plumbers certificate of competency by the department limited to:

(a) Installation, maintenance and repair of plumbing for single-family dwellings, duplexes and apartment buildings which do not exceed three stories; or

(b) Maintenance and repair of backflow assemblies located within a residential or commercial building or structure. For the purposes of this subsection, "maintenance and repair" includes cleaning and replacing internal parts of an assembly, but does not include installing or replacing backflow assemblies.

"Supervision" for the purpose of these rules means within sight or sound. Supervision requirements are met when the supervising plumber is on the premises and within sight or sound of the individual who is being trained.

"Training course provider" is an entity approved by the department, in consultation with the state advisory board of plumbers, to provide medical gas piping installer training. All training course providers must comply with the requirements in WAC 296-400A-026.

"Trainee plumber" is anyone who has been issued a trainee certificate and is learning or being trained in the plumbing trade with direct supervision of either a journeyman plumber or specialty plumber working in their specialty.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-020 How do I obtain a certificate of competency? You can obtain a certificate of competency by completing the following requirements for:

(1) Journeyman and specialty plumber certificate (excluding backflow assembly maintenance and repair specialty certification):

(a) Submitting a competency examination application to the department;

(b) Paying the examination fee shown in WAC 296-400A-045(1);

(c) Submitting the required evidence of competency and experience to the department as required under WAC 296-400A-120 and 296-400A-121; ~~((and))~~

(d) Passing the competency examination; and

(e) Providing documentation to the department with continuing education requirements.

(2) Backflow assembly maintenance and repair specialty certificate:

(a) Submitting a competency examination application to the department;

(b) Paying the application and certificate fee shown in WAC 296-400A-045(2); and

(c) ~~((Submitting the required evidence of competency to the department as required by WAC 296-400A-122; and~~

~~(d)))~~ Passing the competency examination.

AMENDATORY SECTION (Amending WSR 98-13-126, filed 6/17/98, effective 7/20/98)

WAC 296-400A-021 How do I obtain a medical gas piping installer endorsement? *(Only journeyman plumbers holding active state of Washington certification may apply for this endorsement.)*

You can obtain a medical gas piping installer endorsement by completing the following requirements:

(1) Submit an application to the department; and

(2) Pay the examination application fee shown in WAC 296-400A-045; and

(3) Submit the required evidence of approved training to the department; and

(4) Pass the written and practical competency examination; *and

(5) Pay the endorsement issuance fee shown in WAC 296-400A-045 to the department.

At the effective date of these medical gas piping installer rules, you may apply for the state of Washington medical gas piping installer endorsement in lieu of taking the medical gas piping installer examination, if you hold a current medical gas piping installers certificate issued by a department recognized training course provider ~~((you may apply for the state of Washington medical gas piping installer endorsement in lieu of taking the medical gas piping installer examination))~~. This opportunity to obtain your endorsement without taking the examination will expire one year from the effective date of these medical gas piping installer rules.

*The written and practical competency examination is performed under contract with a nationally recognized testing

agency. The results of the competency examination will be forwarded to the department for processing.

NEW SECTION

WAC 296-400A-023 What process is required for renewal of journeyman and residential specialty plumber certificates of competency? (1) An individual must apply for renewal of their plumbing certificate before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for two years.

(2) An individual may renew their certificate within ninety days after the expiration date without reexamination if the individual pays the late renewal fee listed in WAC 296-400A-045.

(3) All applications for renewal received more than ninety days after the expiration date of the plumbing certificate require that the plumber pass the appropriate competency examination before being recertified.

(4) All applicants for plumbing certificate renewal must:

(a) Submit a complete renewal application;

(b) Pay all appropriate fees; and

(c) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in WAC 296-400A-028.

If an individual files inaccurate or false evidence of continuing education information when renewing a plumbing certificate, the individual's plumbing certificate may be suspended or revoked.

(5) A journeyman or residential specialty plumber certificate holder who has not completed the required hours of continuing education prior to the renewal date must pay a doubled fee according to RCW 18.106.070. Also, if the required hours of continuing education are not completed within ninety days after the expiration date the applicant will be required to retake the examination and pay the appropriate fees prior to being placed in active status.

(6) An individual may renew a suspended plumbing certificate by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(7) An individual may not renew a revoked plumbing certificate.

AMENDATORY SECTION (Amending WSR 98-13-126, filed 6/17/98, effective 7/20/98)

WAC 296-400A-026 What training course approval procedures for medical gas will the department follow?

(1) The department will review and approve courses submitted by training course providers that offer medical gas piping systems training. Course approvals will be decided in consultation with the state advisory board of plumbers.

(2) All providers seeking course approval, must submit the required information (see subsection (5) of this section) to the department at least thirty days before a regularly scheduled advisory board meeting. **No course can be offered as meeting the requirements of a medical gas endorsement until it has been approved.**

(3) All material required for approval will be reviewed without testimony and the review will be based solely upon the information submitted. Once reviewed, the department has five working days to give a provider written notification of acceptance or rejection. In the case of rejection, the department must specify its reasons.

(4) If a provider has a course rejected, it may request a hearing before the advisory board at the next regularly scheduled meeting. Any information supporting the provider's position, which was not included with the original approval request, must be submitted to the board at least twenty days before the meeting at which the hearing will be held.

At the hearing, the department and the provider may produce witnesses and give testimony. The hearing must be conducted according to chapter 34.05 RCW. The board must base its decision upon the testimony and evidence presented and must notify the parties immediately upon reaching its decision. A majority of the board is necessary to render a decision.

(5) Specific course approval criteria:

(a) All training courses must conform to and be based upon current standards and requirements governing the installation of medical gas piping systems.

(b) All course approval requests must include:

(i) A general description of the course(;;) including its scope, the instructional materials to be used and the instructional methods to be followed; and

(ii) A copy of the complete medical gas piping installer training curriculum; and

(iii) A detailed course outline; and

(iv) The name and qualifications of the course instructor(s); and

(v) The locations where the course will be taught; and

(vi) The days and hours the course will be offered; and

(vii) The specific fees associated with the course, as well as, the total cost of the course.

(c) All fees for approved training courses must be reasonable and in line with fees charged for other comparable code based training courses.

(6) Training courses are approved for a three-year period.

(7) A provider, whose courses are approved, must give the department literature describing the courses so the department can ((disseminate)) share this information to prospective applicants.

(8) It is the responsibility of the provider to annually review and update its courses and to notify the department of any changes.

(9) The department may withdraw its approval of any training course if it determines the provider is no longer in compliance with the requirements of this chapter. If the department withdraws its approval of a training course, it must give the provider written notification of the withdrawal(;;) specifying the reasons for its decision. If the department withdraws its approval of a training course(;;) the provider may request a hearing before the advisory board at the next regularly scheduled meeting. Any information supporting the provider's position must be submitted to the board at least twenty days before the meeting at which the hearing will be held. At the hearing(;;) the department and

the provider may produce witnesses and give testimony. The hearing must be conducted according to chapter 34.05 RCW. The board must base its decision upon the testimony and evidence presented and must notify the parties immediately upon reaching its decision. A majority of the board is necessary to render a decision.

NEW SECTION

WAC 296-400A-028 What are the requirements for continuing education and classroom training?

What are the general and continuing education course requirements for journeyman, residential specialty plumbers and plumber trainees?

(1) Journeyman, residential plumber and plumber trainee.

(a) To be eligible for renewal of a journeyman plumber or residential specialty plumber certificate, the individual must have completed at least sixteen hours of approved continuing education for each two years of the prior certification period. Individuals will be required in the prior two-year period to have completed at least eight hours of plumbing code and at least four hours of electrical code from the currently adopted Washington state plumbing and electrical codes. The remaining four hours may be plumbing or electrical trade related classes.

(b) Plumber trainees must complete at least eight hours per year of classroom training from an approved continuing education course for each year of the prior certification period. Trainee will be required during a two-year period to complete at least eight hours of plumbing code and at least four hours of electrical code from the currently adopted Washington state plumbing and electrical codes. The remaining four hours may be plumbing or electrical trade related classes.

(c) Any portion of a year of a prior plumber certification period is equal to one year for the purposes of the required continuing education.

(2) An individual will not be given credit for the same approved continuing education course taken more than once in the two years prior to the renewal date. No credit will be granted for any course not approved by the department.

(3) Continuing education requirements do not apply to backflow specialty plumbers under chapter 18.106 RCW and this chapter.

Note: Subsections (1), (2) and (3) of this section take effect July 1, 2005.

Approval process - continuing education course.

(4) The advisory board of plumbers or plumbing board subcommittee will review each continuing education course. The advisory board of plumbers or plumbing board subcommittee will recommend approval or disapproval to the department. The department will either approve or disapprove the course.

(5) To be considered for approval, a continuing education course must consist of not less than two hours of instruction and must be open to monitoring by a representative of the department and/or the plumbing board at no charge. If the

department determines that the continuing education course does not meet or exceed the minimum requirements for approval, the department may revoke the course approval or reduce the number of credited hours.

(6) Approved courses must be based on:

(a) Currently adopted edition of the *Uniform Plumbing Code and National Electrical Code*;

(b) Chapters 18.106 or 19.28 RCW or chapters 296-400A or 296-46B WAC; or

(c) Materials and methods as they pertain to the industrial practices of plumbing or electrical construction, building management systems, plumbing or electrical maintenance, or workplace health and safety.

(7) Code-update courses must be based on the entire currently adopted Uniform Plumbing Code or National Electrical Code.

Application - for continuing education course approval.

(8) All applications for course approval must be on forms provided by the department. The plumbing board and the department will only consider the written information submitted with the application when considering approval of the continuing education training course.

(9) The department will provide continuing education application forms to sponsors upon request. The course sponsor must submit an original completed application for course approval and three copies (unless submitted electronically using department prescribed technology) to the department. The department must receive the complete course application from the sponsor in writing at least forty-five days before the first class requested for approval is offered.

(10) A complete application for course approval must include:

(a) The appropriate course application fee;

(b) Course title, number of classroom instruction hours, and whether the training is open to the public;

(c) Sponsor's name, address, contact's name and phone number;

(d) Course outline (general description of the training, including specific Uniform Plumbing Code or National Electrical Code articles referenced);

(e) Lists of resources (texts, references, visual aids);

(f) Names and qualifications of instructors. Course instructors must show prior instructor qualification and experience similar to that required by the work force training and education coordinating board under chapter 28C.10 RCW;

(g) Any additional documentation to be considered; and

(h) A sample copy of the completion certificate issued to the course participants.

(11) The course sponsor seeking approval of a continuing education course will be notified of the subcommittee's decision within five days of the completed review of the application.

(12) If the application is not approved, the rejection notice will include an explanation of the reason(s) for rejection. If the course sponsor disagrees with the subcommittee's decision, the course sponsor may request a reconsideration hearing by the full plumbing board. A request to appeal course rejection must be received by the department forty-five days before a regularly scheduled board meeting. The

course sponsor must submit, to the department, any additional information to be considered during the hearing, in writing, at least thirty days before the board hearing. The course sponsor must provide at least twenty copies of any written information to be submitted to the board.

Offering - continuing education course.

(13) The course sponsor may offer an approved course for up to three years without additional approval. However, if the course is classified as code-update or code-related and a new edition of the *Uniform Plumbing Code* or *National Electrical Code* is adopted within the course approval period, the course approval will be considered automatically revoked and the course sponsor must submit a new application for review by the department and approval by the plumbing board subcommittee.

(14) A continuing education course attended or completed by an individual before final approval by the plumbing board subcommittee cannot be used to meet the plumbing certificate renewal requirements.

Documentation - Washington approved training course attendance/completion.

(15) The department is not responsible for providing verification of an individual's continuing education history with the course sponsor.

(16) The course sponsor must provide the department with an accurate and typed course attendance/completion roster for each course given.

(a) The attendance/completion roster must be provided within thirty days of course completion.

(b) In addition, the course sponsor must provide the attendance/completion roster in an electronic format provided by the department.

(c) The attendance/completion roster must show each participant's name, Washington certificate number, course number, location of course, date of completion, and instructor's name. The typed roster must contain the signature of the course sponsor's authorized representative.

(17) If the course sponsor fails to submit the required attendance/completion rosters within thirty days of the course completion, the department may revoke or suspend the course approval.

(18) Course sponsors must award a certificate to each participant completing the course from which the participant will be able to obtain:

(a) Name of course sponsor;

(b) Name of course;

(c) Date of course;

(d) Course approval number;

(e) The number of continuing education units; and

(f) The type of continuing education units.

(19) The department will only use a copy of the sponsor's attendance/completion roster as final evidence that the participant completed the training course.

(20) The department will keep submitted rosters of the continuing education courses on file only for audit purposes. The department is not responsible for the original of any completion certificate issued.

Documentation - out-of-state training course attendance/ completion.

(21) To apply continuing education units earned out-of-state from course sponsors who do not have state of Washington approved courses, one of the following conditions must be met:

(a) The individual must request that the course sponsor submit a complete continuing education course application and requirements as described in this section for in-state courses.

Application for course approval will not be considered more than three years after the date of the course.

(b) The department must have entered into a reciprocal agreement with the state providing course approval.

The participant must provide a copy of an accurate and completed award or certificate from the course sponsor identifying the course location, date of completion, participant's name, and Washington certificate number. The department will only accept a copy of the sponsor's certificate or form as evidence that the participant attended and completed the course.

NEW SECTION

WAC 296-400A-029 What is the implementation schedule for the continuing education course requirements?

• Individuals that renew between July 1, 2005, and June 30, 2006, are required to complete eight hours of continuing education courses.

• Effective July 1, 2006, all renewals will require sixteen hours of continuing education.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-030 Do I need a temporary permit? You need a temporary permit if you are an active out-of-state journeyman plumber or a residential specialty plumber residing in a state that does not have a reciprocal agreement with Washington and you would like to work as a plumber in Washington ~~(, you need a temporary permit)~~. Temporary permits are not issued for installers of medical gas piping systems.

Temporary permits are not issued for the backflow assembly maintenance and repair specialty ~~(. Thus)~~ Therefore, WAC 296-400A-030 through 296-400A-033 do not apply to this specialty.

Type of Fee

Examination application

~~(*)~~Reciprocity application*

Trainee certificate**

Temporary permit (not applicable for backflow assembly maintenance and repair specialty)

Journeyman or residential specialty certificate***

Period Covered by Fee

Per examination

Per application

One year

90 days

Two years (fee may be prorated based on months)

Dollar Amount of Fee

~~\$((111-80))~~ 115.30

~~\$((111-80))~~ 115.30

~~\$((33-50))~~ 34.50

~~\$((55-70))~~ 57.40

~~\$((89-60))~~ 92.40

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-031 How do I qualify for a temporary permit? To qualify for a temporary permit, you must:

(1) Have an active state-issued journeyman plumbers or a residential specialty plumber certificate;

(2) Give the department sufficient qualifying evidence for a journeyman plumber or a residential specialty plumber certificate of competency;

(3) Never have taken the journeyman or a residential specialty plumber competency examination in Washington state; and

(4) Not be an apprentice plumber.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-035 How can I be placed on inactive status? To be placed on inactive status, you must meet these three requirements:

(1) You must currently be a ((currently)) certified plumber;

(2) Have your inactive status request submitted and approved by the department prior to the expiration date of your plumbing certificate; and

(3) Not be working in the plumbing trade.

Inactive status means that you are not currently working in the plumbing trade and you are not required to pay the annual certificate renewal fee. If you have been in inactive status for less than five years, you may return to active status, without reexamination, by paying the reinstatement fee shown in WAC 296-400A-045. If you have been in inactive status for five or more years, you are required to reapply and pass the competency examination pursuant to WAC 296-400A-020 and pay the appropriate fees shown in WAC 296-400A-045.

(4) Required to meet a minimum of sixteen hours continuing education with four of the hours being in electrical training before being reinstated.

AMENDATORY SECTION (Amending WSR 03-12-045, filed 5/30/03, effective 6/30/03)

WAC 296-400A-045 What fees will I have to pay? The following are the department's plumbers fees:

(1) Fees related to journeyman and specialty plumber certification:

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Backflow assembly maintenance and repair specialty certificate	Two years (fee may be prorated based on months)	\$(61.90) <u>63.80</u>
Medical gas endorsement examination application	Per application	\$(41.30) <u>42.60</u>
Medical gas endorsement***	One year	\$(30.90) <u>31.80</u>
((Medical gas endorsement	Less than one year	\$2.50 per month with a minimum fee of \$18.00)
Medical gas endorsement examination fee****		See note below.
Medical gas endorsement training course fee*****		See note below.
Reinstatement fee for residential and journeyman certificates		\$(179.20) <u>184.90</u>
Reinstatement fee for backflow assembly maintenance and repair specialty certificates		\$(193.20) <u>106.50</u>
Replacement fee for all certificates		\$(15.40) <u>15.80</u>
<u>Refund processing fee</u>		<u>\$25.00</u>
<u>Unsupervised trainee endorsement</u>		<u>\$25.00</u>
<u>Inactive status fee</u>		<u>\$25.00</u>
<u>Certified letter fee</u>		<u>\$25.00</u>
<u>Continuing education new course fee*****</u>		<u>\$150.00</u>
<u>Continuing education renewal course fee*****</u>		<u>\$75.00</u>
<u>Continuing education classes provided by the department</u>		<u>\$12 per continuing education unit (ceu)</u> <u>\$8 per ceu correspondence course</u>

* Reciprocity application is only allowed for applicants that are applying work experience toward certification that was obtained in state(s) ~~((that))~~ with which the department has a reciprocity agreement ~~((with))~~.

** The trainee certificate shall expire one year from the date of issuance and must be renewed on or before the date of expiration.

*** This fee applies to either the original issuance or a renewal of a certificate. If you have passed the plumbers certificate of competency examination or the medical gas piping installer endorsement examination and paid the certificate fee, you will be issued a plumber certificate of competency or a medical gas endorsement that will expire on your birth date.

The annual renewal of a Medical Gas Piping Installer Endorsement shall include a continuity affidavit verifying that brazing work has been performed within the past year.

**** This fee is paid directly to a nationally recognized testing agency under contract with the department. It covers the cost of preparing and administering the written competency examination and the materials necessary to conduct the practical competency examination required for the medical gas piping system installers endorsement. **This fee is not paid to the department.**

***** This fee is paid directly to a training course provider approved by the department, in consultation with the state advisory board of plumbers. It covers the cost of providing training courses required for the medical gas piping system installer endorsement. **This fee is not paid to the department.**

***** ~~((If more than 90 days the applicant must reapply and pay the applicable fees-))~~ This fee is for a three-year period or code cycle.

(2) If your birth year is:

(a) In an even-numbered year, your certificate will expire on your birth date in the next even-numbered year.

(b) In an odd-numbered year, your certificate will expire on your birth date in the next odd-numbered year.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-120 What do I need to know about plumber trainee certificates (excluding backflow assembly maintenance and repair specialty certification)? (1) Journeyman and specialty plumber trainee certification ~~((excluding backflow assembly maintenance and repair specialty certification))~~):

(a) The department issues separate trainee certificates ~~((according to the following schedule:~~

Certificate Year	Hours Employed As Plumber Trainee
First	Less than 2,000 hours
Second	More than 1,999 hours but less than 4,000 hours
Third	More than 3,999 hours but less than 6,000 hours
Fourth	More than 5,999 hours

~~((b) You may apply for the next year's trainee certificate whenever you have the required documented work hours:~~

~~((e)))~~ once a year.

(b) The plumbing trainee may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for one year.

(c) All applicants for trainee certificate of renewal must:

(i) Submit a complete renewal application;

(ii) Pay all appropriate fees; and

(iii) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in chapter 296-400A WAC.

(d) If an individual files inaccurate or false evidence of continuing education information when renewing a plumbing trainee certificate, the individual's certificate may be suspended or revoked.

(e) An individual who has not completed the required hours of continuing education cannot renew a trainee certificate.

(f) Individuals will not be able to apply to test for journeyman or specialty residential plumber certificates until the continuing education requirements have been met.

(g) If continuing education hours have not been met, trainee certificates will become expired and any experience obtained by the trainee in expired status will not be credited toward plumbing certificate application.

(h) An individual may renew an expired certificate of competency by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in an expired status for the duration of the expired period.

(i) An individual may not renew a revoked trainee certificate.

(j) Apprentices registered in an approved program according to chapter 49.04 RCW who are obtaining classroom training consistent with the continuing education requirements under chapter 18.106 RCW and this chapter, as approved by the department, are deemed to have met the continuing education requirements necessary to renew a trainee certificate.

(k) If you are a trainee applying for a journeyman certificate, you must complete a minimum of two of the required four years in commercial plumbing experience.

~~((d))~~ (l) A certified residential specialty plumber working on a commercial job site may work as a journeyman trainee only if they have a current trainee certificate on their person while performing commercial plumbing work.

~~((e))~~ (m) On a job site, the ratio of certified plumbers to noncertified plumbers must be:

(i) One residential specialty plumber or journeyman working on a ~~((specialty))~~ residential plumbing job site may supervise no more than two trainees.

(ii) One journeyman plumber working on a commercial job site may supervise no more than one trainee or one residential specialty plumber who holds a current trainee certificate.

~~((f))~~ (n) A plumber trainee who has a current trainee certificate with the state of Washington and has successfully completed or is enrolled in an approved medical gas piping installer training course may work on medical gas piping systems. Work may only occur when there is direct supervision by an active Washington state certified journeyman plumber with an active medical gas piping installer endorsement

issued by the department. Supervision must be one hundred percent of the working day on a one-to-one ratio.

~~(2) ((Backflow assembly maintenance and repair specialty certification. A trainee certificate must be obtained by an individual performing backflow assembly maintenance and repair work that is not a certified plumber provided the individual works under the direct supervision of a certified backflow assembly maintenance and repair specialty, journeyman plumber, or specialty plumber for a minimum of one hundred percent of the time spent performing maintenance and repair work to backflow assemblies located within a residential or commercial building or structure.)) Trainee work hours. Trainees shall renew the certificate annually but not more than ninety days before the expiration date.~~

(a) An annual fee shall be charged for the issuance or renewal of the certificate.

(b) The trainee will not be issued a renewed or reinstated training certificate if the individual owes the department money as a result of an outstanding final judgment.

(c) Trainee hours will not be credited if the trainee owes outstanding penalties for violations of this chapter.

(3) At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the plumbing construction industry for the previous annual period. The individual must submit a completed, signed, and notarized affidavit(s) of experience. The affidavit of experience must accurately attest to:

(a) The plumbing installation work performed for each employer the individual worked for in the plumbing trade during the previous period;

(b) The correct plumbing category the individual worked in; and

(c) The actual number of hours worked in each category, worked under the proper supervision of a Washington certified journeyman plumber or residential specialty plumber.

(4) The trainee should ask each employer and/or apprenticeship-training director for an accurately completed, signed, and notarized affidavit of experience for the previous certification period. The employer(s) or apprenticeship training director(s) must provide the previous period's affidavit of experience to the individual within twenty days of the request.

(5) If hours for previous period are not submitted within the thirty days after renewing a plumbing training certificate, the individual may not receive credit for these previous period hours.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-121 What do I need to know about trainee experience and plumber examination requirements for the journeyman and specialty plumber (excluding the backflow assembly maintenance and repair specialty)? (1) If you possess a trainee certificate:

(a) You may take the residential specialty plumber examination after completing 6,000 hours of documented training.

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(b) You may take the journeyman examination after completing 8,000 hours of documented training which must include 4,000 hours of commercial plumbing experience.

(2) All journeyman trainees must work under the direct supervision of a journeyman plumber until they have completed ~~((7,500))~~ 8,000 hours of training. ~~((After completing the 7,500 supervised hours, a trainee may work without direct supervision until they complete 8,000 hours. (See RCW 18.106.070(3).))~~

When 8,000 training hours have been completed, the trainee must take the journeyman examination. Any trainee who has failed the journeyman plumber examination cannot retake the examination for at least one month and must work under the direct supervision of a journeyman plumber until the examination is passed.

(3) To be eligible for the residential specialty plumber's examination, a residential specialty trainee must complete 6,000 hours of training under the direct supervision of either a certified specialty plumber or a journeyman plumber. Any residential specialty trainee who has failed the residential specialty examination, cannot retake the examination for at least one month and must work under the direct supervision of a certified plumber until the examination is passed.

(4) ~~((Any applicant (trainee, specialty plumber or journeyman) who fails an examination, will be required to wait at least one month before retaking the examination. If an applicant fails the second attempt, the waiting period for reexamination will be extended to at least two months. An applicant who fails the examination a third time will have a mandatory waiting period of at least four months.))~~ Effective January 1, 2005, all plumber trainees will be required to meet the current hour requirements to test.

(5) **Apprentice/trade school endorsement requirements.** An individual who has a current journeyman or residential specialty plumber trainee certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the plumbing construction trade in a school approved by the work force training and education coordinating board, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter. In order to work without direct on-site supervision applicable to the type (residential or journeyman) of training hours for which certification is being sought by the individual. This individual must obtain an apprentice/trade school trainee endorsement by submitting the applicable forms provided by the department and paying the applicable fees. This individual may work without direct on-site supervision until he or she receives the remaining hours required to be eligible to take the applicable examination. This individual may not supervise trainees. (See RCW 18.106.070.)

(6) **Any applicant** (trainee, specialty plumber or journeyman) who fails an examination, will be required to wait at least until the next scheduled examination date and location. Examinations are held the first Thursday of every month, unless that date falls on a holiday. Applications shall be submitted and received by the plumbing certification program office two weeks before the next scheduled date.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-122 What do I need to know about trainee experience and the backflow assembly maintenance and repair specialty examination requirements?

(1) A trainee certificate must be obtained by an individual performing backflow assembly maintenance and repair work ~~((that))~~ who is not a certified plumber ~~((provided))~~. The individual must work((s)) under the direct supervision of a certified backflow assembly maintenance and repair specialty, journeyman plumber, or residential specialty plumber for a minimum of one hundred percent of each working day while the backflow assembly maintenance and repair work is being performed.

(2) Each applicant for a backflow assembly maintenance and repair specialty certificate must furnish written evidence that he or she has a valid backflow assembly tester certification administered and enforced by the department of health.

(3) **Any applicant** who fails an examination((;)) will be required to wait at least ~~((one month before retaking the examination. If an applicant fails the second attempt, the waiting period for reexamination will be extended to at least two months. An applicant who fails the examination a third time will have a mandatory waiting period of at least four months))~~ until the next scheduled examination date and location. Examinations are held the first Thursday of every month, unless that date falls on a holiday. In the event of a holiday, the examination will be held on the second Thursday of the month. Applications shall be submitted and received by the plumbing certification program office two weeks before the next scheduled examination date.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-130 What if I make a false statement or a material misrepresentation on an application, an employment report or a trainee certificate? (1) All required applications and annual statements of employment hours are made under oath. Making false statements and/or material misrepresentations carry serious consequences. Any person who knowingly makes a false statement or material misrepresentation on an application, an affidavit of experience or a trainee certificate may have their certificate suspended, revoked, and/or be referred to the county prosecutor for criminal prosecution. In addition, the department may ~~((subtract a maximum of 2,000 employment hours from a trainee's acceptable total hours))~~ issue an infraction for a violation of this chapter.

(2) ~~((The department's decisions, under this section, can be appealed to the advisory board. The appeal hearing will be conducted according to the appropriate provisions of chapter 34.05 RCW.~~

~~((3))~~ The annual statements of employment described in subsection (1) of this section do not apply to the backflow assembly maintenance and repair specialty certification.

NEW SECTION

WAC 296-400A-135 How does the department enforce trainee supervision? (1) A journeyman plumber on each and every commercial job site shall supervise either a residential specialty plumber with a current plumber trainee card or trainee with a current plumber trainee card.

(a) The ratio on each commercial site shall be not more than one residential plumber or one plumber trainee working on any one job site for every certified journeyman plumber working as a journeyman plumber on that site.

(b) The time of supervision shall be a minimum of seventy-five percent of the time spent on each and every job site.

(2) A journeyman plumber or residential specialty plumber on each and every residential specialty job site shall supervise a plumber trainee with a current plumber trainee card.

(a) The ratio on each residential specialty job site shall be not more than two trainees with current plumber trainee cards on any one residential specialty job site for every certified journeyman plumber or residential specialty plumber on that site.

(b) The time of supervision shall be a minimum of seventy-five percent of the time spent on each and every job site.

(3) A journeyman plumber with current medical gas endorsement may supervise either a residential specialty plumber with a current trainee card or a plumber trainee with a current trainee card.

(a) The residential specialty plumber or the plumber trainee has to have successfully completed or is currently enrolled in an approved medical gas piping installer training course approved by the department.

(b) The residential specialty plumber or other plumber trainee is under the direct supervision of a certified medical gas journeyman plumber on one-to-one ratio for one hundred percent of the time on each and every medical gas site.

(4) A backflow specialty plumber, a journeyman plumber or a residential specialty plumber shall supervise a backflow trainee to do maintenance and repair work on every backflow assembly on potable water systems, inside every commercial or residential building. The ratio shall be one-to-one for one hundred percent of the time on every job site.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-140 How does the department enforce plumbers certification requirements? The department enforces plumber certification requirements by means of job-site inspections conducted by an authorized representative of the department (~~(compliance inspectors)~~). The ~~((inspector))~~ representative must determine whether:

(1) Each person doing plumbing work has a proper certificate on their person; and

(2) The ratio of certified specialty and/or journeyman plumbers to certified trainees is correct; and

(3) Each certified trainee is directly supervised by either a certified specialty plumber or a certified journeyman; and

(4) Persons who are installing medical gas piping systems have active medical gas piping installer endorsements in addition to their active plumber certification.

(5) Persons who are certified as backflow assembly maintenance and repair specialties must have an active backflow assembly tester certification from the department of health.

NEW SECTION

WAC 296-400A-150 May the department audit the records of a contractor? Yes, for any reason such as: Dispatching, ratio, supervision, excessive hours, and certification. The department may audit the records of contractors as authorized under RCW 18.106.320 when the department has reason to believe that a violation of the plumbing certification laws has occurred.

NEW SECTION

WAC 296-400A-155 Audit of trainee hours. (1) The department, under RCW 18.106.320, may audit the employment records of the plumbing contractor or employer who verified the plumbing trainee hours.

(2) Every contractor must keep a record of trainee employment so the department may obtain the necessary information to verify plumbing trainee work experience.

(a) The contractor must keep the records of jobs performed for a least five years.

(b) Upon request, these records must be made available to the department for inspection within seven business days.

(3) The contractor must maintain time cards or similar records to verify:

(a) The number of hours the trainee worked as a supervised trainee by category.

(b) The type of plumbing work the trainee performed (e.g., commercial or residential).

(4) Any information obtained from the trainee's contractor or employer during the audit under the provisions of RCW 18.106.320 is confidential and is not open to public inspection under chapter 42.17 RCW.

(5) The department's audit may include, but will not be limited to, the following:

(a) An audit to determine whether the trainee was employed by the contractor or employer during the period for which the hours were submitted, the actual number of hours the trainee worked, and the category of plumbing work performed; and

(b) An audit covering a specific time period and examination of a contractor's or employer's books and records which may include their reporting of the trainee's payroll hours required for industrial insurance, employment security or prevailing wage purposes.

AMENDATORY SECTION (Amending WSR 98-13-126, filed 6/17/98, effective 7/20/98)

WAC 296-400A-300 What procedures does the department follow when issuing a notice of infraction? (1) If ~~((a compliance inspector))~~ an authorized representative of the department determines that an individual has violated plumber certification requirements, including medical gas piping installer endorsement requirements, the department

must issue a notice of infraction describing the reasons for the infraction.

(2) For plumber certification violations, the department may issue a notice of infraction to either:

(a) An individual who is plumbing without a current plumber certificate; or

(b) The employer of the individual who is plumbing without a current plumber certificate; or

(c) The employer's authorizing agent or foreman that made the work assignment to the individual who is plumbing without a current plumber certificate.

(3) For medical gas piping installer endorsement violations, the department may issue a notice of infraction to either:

(a) An individual who is installing medical gas piping systems without a current plumber certificate and a current medical gas piping installer endorsement; or

(b) The employer of the individual who is installing medical gas piping systems without a current plumber certificate and a current medical gas piping installer endorsement; or

(c) The employer's authorizing agent or foreman that made the work assignment to the individual who is installing medical gas piping systems without a current plumber certificate and a current medical gas piping installer endorsement.

(4) The department may issue an infraction to a contractor advertising or performing work under this chapter or chapter 18.27 RCW who is not properly registered under chapter 18.27 RCW.

(5) An individual may appeal a notice of infraction by complying with the appropriate provisions of RCW 18.106-.220.

~~((5))~~ (6) If good cause is shown, an administrative law judge may waive, reduce or suspend any monetary penalties resulting from the infraction.

~~((6))~~ (7) Any monetary penalties collected under this chapter, must be deposited in the plumbing certificate fund.

AMENDATORY SECTION (Amending WSR 97-11-052, filed 5/20/97, effective 6/30/97)

WAC 296-400A-400 What are the monetary penalties for violating certification requirements? (1) A person cited for an infraction under RCW 18.106.020 ~~((3)(a), (b) or (c) must)~~ or 18.106.320 shall be assessed a monetary penalty based upon the following schedule:

(a) Individual

First Infraction	\$250.00
Second Infraction	\$500.00
Third Infraction	\$750.00
Fourth Infraction and each additional violation	Not more than \$1,000.00

(b) Contractor or Dispatcher

First Infraction	\$250.00
Second Infraction	\$500.00
Third Infraction	Not more than \$1,000.00

(2) Each day a person is in violation ~~((must be))~~ is considered a separate infraction.

(3) Each job site at which a person is in violation ~~((must be))~~ is considered a separate infraction.

AMENDATORY SECTION (Amending WSR 97-11-052, filed 5/20/97, effective 6/30/97)

WAC 296-400A-425 What if I owe outstanding penalties related to a department issued plumber infraction? The department may deny your application or renewal of your certificate ((of competency)) or endorsement if you owe outstanding penalties. The department must notify you of their denial by registered mail, return receipt requested. This notice of denial will be mailed to the address on your application.

Upon receipt of the notice, you have twenty days to file a notice of appeal with the department. Your notice of appeal must be accompanied by a certified check for two hundred dollars. This amount will be returned to you if the department's decision is not upheld by the hearings officer. If the hearings officer upholds the department's decision, the two hundred dollars ~~((must))~~ will be applied to the cost of the hearing.

The office of administrative hearings shall conduct the hearing under chapter 34.05 RCW.

**WSR 04-08-091
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed April 6, 2004, 12:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-04-099.

Title of Rule: What are the general obligations of a provider who provides medical or mental health services to a crime victim?

Purpose: To clarify that all providers must comply with the department's rules and fee schedules. Mental health providers must also comply with the crime victims' compensation program mental health treatment rules and fees.

Statutory Authority for Adoption: RCW 7.68.030.

Statute Being Implemented: RCW 7.68.030.

Summary: WAC 296-30-081 (1)(a) instructs medical providers that they must comply with this chapter and the department's rules and fee schedules.

WAC 296-30-081 (1)(b) instructs mental health providers that they must comply with chapter 296-30 WAC and the crime victims' compensation program's mental health treatment rules and fees, chapter 296-31 WAC.

WAC 296-31-070(1) instructs mental health providers that they must comply with the crime victims' compensation program's mental health treatment rules and fees.

Reasons Supporting Proposal: This rule is needed to clarify that all providers must comply with the department's rules and fee schedules and mental health providers must comply with both the department's rules and the crime vic-

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tims' compensation program's mental health treatment rules and fees.

Name of Agency Personnel Responsible for Drafting: Janice Deal, Tumwater, Washington, (360) 902-5369; Implementation and Enforcement: Cletus Nnanabu, Tumwater, Washington, (360) 902-5340.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Currently WAC 296-30-081 (1)(a) instructs medical providers that they must comply with this chapter and the department's rules and fee schedules.

Currently WAC 296-30-081 (1)(b) instructs mental health providers that they must comply with chapter 296-30 WAC and the crime victims' compensation program's mental health treatment rules and fees, chapter 296-31 WAC.

Currently WAC 296-31-070(1) instructs mental health providers that they must comply with the crime victims' compensation program's mental health treatment rules and fees, chapter 296-31 WAC.

This rule making is needed to clarify that all providers must comply with the department's rules and fee schedules, and for mental health providers both the department's rules and the crime victims' compensation program's mental health treatment rules and fees.

Proposal Changes the Following Existing Rules: It is being proposed that WAC 296-30-081 and 296-31-070 be amended to clarify that all providers must comply with the department's rules and fees. Mental health providers must also comply with the crime victims' compensation program's mental health treatment rules and fees. A new section is being added that instructs providers that they must submit a bill within one year of the date of service, date of claim allowance, or date of primary insurer's payment.

No small business economic impact statement has been prepared under chapter 19.85 RCW. In this case, the rule will not impose more than a minor cost on the provider business as the providers were always required to comply with the department's medical aid rules and fee schedules. The department's proposed amendment is only clarifying.

RCW 34.05.328 does not apply to this rule adoption. The department's proposed amendment to WAC 296-30-081 and 296-31-070 are only clarifying thus exempt from the requirements of RCW 34.05.328.

Hearing Location: Department of Labor and Industries, 7273 Linderson Way S.W., Tumwater, WA 98501-4520, on May 25, 2004, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Jill Short by May 3, 2004, at TDD (360) 902-4974.

Submit Written Comments to: Janice Deal, P.O. Box 44250, Olympia, WA 98504-4520, fax (360) 902-5333, e-mail deal235@lni.wa.gov, by 5:00 p.m. on June 1, 2004.

Date of Intended Adoption: July 2, 2004.

April 6, 2004
Paul Trause
Director

AMENDATORY SECTION (Amending WSR 00-03-056, filed 1/14/00, effective 2/14/00)

WAC 296-31-070 What are my general obligations as an approved mental health provider? (1) When treating a crime victim who comes under our jurisdiction, you agree to accept and comply with this chapter, the department's rules, and the Crime Victims Compensation Program's Mental Health Treatment Rules and Fee((s)) Schedule.

(2) You must inform the client they may be entitled to benefits under the Crime Victims Act and provide whatever assistance is necessary for the client to apply for benefits. There is no charge for these services.

(3) It is the responsibility of the client to notify the provider if they believe their condition is related to a criminal act. If you discover a condition that you believe is crime related, you must notify the client. It is your responsibility to determine if you are the first treating provider.

(4) If you are the first treating provider, you must:

(a) Provide crisis intervention as necessary;

(b) Provide instructions or help the client complete their portion of the application for benefits; and

(c) Continue necessary treatment according to our mental health rules if the client remains in your care.

(5) If you are not the first treating provider, you should ask the client if an application for benefits has been filed for the condition.

(a) If an application for benefits has been filed, and you and the client agree that a change of provider is desirable, the department should be notified of the transfer according to WAC 296-31-068.

(b) If an application for benefits has not been filed:

(i) Provide instructions or help the client complete their portion of the application for benefits; and

(ii) Include the name and address of the original provider, if known.

Note: Providers must determine if the client has public or private insurance benefits available. If there is, the provider should make sure they would be able to continue treating under the client's primary insurance. Crime victims compensation is secondary to other benefits according to RCW 7.68.130.

(6) You must notify us and the client of the date they are released to regular work. Time-loss compensation terminates on the release date. We may allow further treatment if:

(a) You request it;

(b) Treatment is needed; and

(c) The accepted condition is not fixed and stable.

(7) You must notify us if permanent functional impairment or loss (permanent partial disability) is indicated after maximum recovery of the accepted condition is achieved. We will arrange to have impairments rated according to WAC 296-20-200 et al.

(8) A client must not be billed for treatment, except under the following condition:

A provider may require the client to pay for treatment if the client's eligibility is in question (e.g., when an investigation or claim determination is pending). If the claim is subsequently allowed, the provider must refund the client **in full** and bill us at their usual and customary fees if such rates are in excess of the public and private insurance entitlements.

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(9) No fee is payable by the department for missed appointments unless the appointment is for an examination arranged by the department. Clients may be billed directly for missed or no show appointments.

AMENDATORY SECTION (Amending WSR 00-03-056, filed 1/14/00, effective 2/14/00)

WAC 296-30-081 What are the general obligations of a provider who provides medical or mental health services to a crime victim? (1) When treating a crime victim who comes under our jurisdiction, you agree to accept and comply with the department's rules and fees.

(a) ~~((Medical))~~ All providers must comply with this chapter and the department's medical aid rules and fee schedules.

(b) Mental health providers must comply with this chapter, the department's medical aid rules and fee schedules, and the *Crime Victims Compensation Programs Mental Health Treatment Rules and Fees*.

(2) You must inform the victim of his or her rights under the Crime Victims Act and give whatever assistance is necessary for the victim to apply for compensation and provide proof of other matters required by our rules. Providers may not charge the victim for these services.

(3) Providers are urged to bill on a monthly basis. In order to be considered for payment, bills must be submitted within one year from the date of service, or the date of claim allowance. If private or public insurance exists, bills must be received within one year of the primary insurer's payment decision. You must attach a copy of the primary insurer's explanation of benefits when submitting your bill for payment consideration.

**WSR 04-08-092
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed April 6, 2004, 12:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-10-065.

Title of Rule: Fees for factory assembled structures (chapters 296-150C, 296-150F, 296-150M, 296-150P, 296-150R, 296-150T, and 296-150V WAC), and contractor registration (chapter 296-200A WAC).

Purpose: The department is proposing a 3.2% (rounded down to the nearest tenth of a dollar) general increase in fees for the factory assembled structures and contractor registration programs. The 3.2% rate is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2004. The general fee increases are necessary to help offset inflation and maintain the financial health and operational effectiveness of the programs. The alteration inspection fee was combined with the insignia alteration fee to create a new fee for alteration inspections.

Statutory Authority for Adoption: Chapters 18.27 and 43.22 RCW.

Statute Being Implemented: Chapters 18.27 and 43.22 RCW.

Summary: See purpose above.

Reasons Supporting Proposal: See purpose above.

Name of Agency Personnel Responsible for Drafting: Christine Swanson, Tumwater, (360) 902-6411; Implementation and Enforcement: Patrick Woods, Tumwater, (360) 902-6348.

Name of Proponent: Department of Labor and Industries, governmental.

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

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

Proposal Changes the Following Existing Rules: See purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. L&I is exempt under RCW 34.05.328 (5)(b)(ii)-(vi), since the majority of the changes in this rule making incorporate by reference without material change Washington state's statutes into rule, clarify language without changing its effect, set or adjust fees, incorporate existing policy into rule, and generally establish industry standards.

RCW 34.05.328 does not apply to this rule adoption. Significant rule-making criteria does not apply to these rule changes because the exempt criteria outlined in RCW 34.05.328(5) was met.

Hearing Location: Department of Labor and Industries Building, 901 North Monroe Street, Suite 100, Spokane, WA, on May 11, 2004, at 10:00 a.m.; and at the Department of Labor and Industries Building, S 117, 7273 Linderson Way S.W., Tumwater, WA, on May 12, 2004, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Christine Swanson by May 3, 2004, at (360) 902-6411 or copc235@lni.wa.gov.

Submit Written Comments to: Christine Swanson, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, e-mail copc235@lni.wa.gov, fax (360) 902-5292, by May 12, 2004. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: May 18, 2004.

April 6, 2004
Paul Trause
Director

AMENDATORY SECTION (Amending WSR 03-12-045, filed 5/30/03, effective 6/30/03)

WAC 296-150C-3000 Commercial coach fees.

INITIAL FILING FEE	\$(30.50) <u>31.40</u>
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN	\$(209.60) <u>216.30</u>
INITIAL FEE - ONE YEAR DESIGN	\$(85.90) <u>88.60</u>
RENEWAL FEE	\$(36.40) <u>37.50</u>
RESUBMIT FEE	\$(61.30) <u>63.20</u>
ADDENDUM (Approval expires on same date as original plan)	\$(61.30) <u>63.20</u>
ELECTRONIC PLAN SUBMITTAL FEE \$(4.70) <u>4.80</u> per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
ELECTRICAL PLAN REVIEW (When required by chapter 296-46B WAC. Plan review for educational, institutional or health care facilities and other buildings)	
Electrical Plan submission fee	\$(61.30) <u>63.20</u>
Service/feeder Ampacity:	
0 - 100	\$(27.20) <u>28.00</u>
101 - 200	\$(33.90) <u>34.90</u>
201 - 400	\$(63.50) <u>65.50</u>
401 - 600	\$(74.90) <u>77.20</u>
601 - 800	\$(96.50) <u>99.50</u>
801 - 1000	\$(118.10) <u>121.80</u>
Over 1000	\$(128.10) <u>132.10</u>
Over 600 volts surcharge	\$(20.30) <u>20.90</u>
Thermostats:	
First	\$(12.10) <u>12.40</u>
Each additional	<u>3.00</u>
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$(11.00) <u>11.30</u>
Each additional circuit or zone	<u>2.00</u>
Generators, refer to appropriate service/feeder ampacity fees	
<i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	
	\$(72.60) <u>74.90</u>
MEDICAL GAS PLAN REVIEW:	
SUBMISSION FEE	\$(58.80) <u>60.60</u>
FIRST STATION	\$(58.80) <u>60.60</u>
EACH ADDITIONAL STATION	\$(21.60) <u>22.20</u>
RECIPROCAL PLAN REVIEW:	
INITIAL FEE - MASTER DESIGN	\$(93.50) <u>96.40</u>
INITIAL FEE - ONE YEAR DESIGN	\$(56.60) <u>58.40</u>
RENEWAL FEE	\$(56.60) <u>58.40</u>
ADDENDUM	\$(56.60) <u>58.40</u>
PLANS APPROVED BY PROFESSIONALS	\$(42.70) <u>44.00</u>
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$(11.60) <u>11.90</u>

PROPOSED

PROPOSED

DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$((61.30)) 63.20
TRAVEL (Per hour)	\$((61.30)) 63.20
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$((61.30)) 63.20
TRAVEL (Per hour*)	\$((61.30)) 63.20
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
ALTERATION INSPECTION (One hour plus insignia alteration fee)	\$94.60
INSIGNIA FEES:	
FIRST SECTION	\$((18.70)) 19.20
EACH ADDITIONAL SECTION	\$((11.60)) 11.90
ALTERATION	\$((30.50)) 31.40
REISSUED-LOST/DAMAGED	\$((11.60)) 11.90
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$((61.30)) 63.20
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$((11.60)) 11.90
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines	
*** Actual charges incurred	

AMENDATORY SECTION (Amending WSR 03-12-044, filed 5/30/03, effective 5/30/03)

WAC 296-150F-3000 Factory-built housing and commercial structure fees.

INITIAL FILING FEE	\$((54.00)) 55.70
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN (CODE CYCLE)	\$((266.00)) 274.50
INITIAL FEE - ONE YEAR DESIGN	\$((156.00)) 160.90
RENEWAL FEE	\$((54.00)) 55.70
RESUBMIT FEE	\$((78.00)) 80.40
ADDENDUM (Approval expires on same date as original plan.)	\$((78.00)) 80.40
ELECTRONIC PLAN SUBMITTAL FEE \$((4.60)) 4.70 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
ELECTRICAL PLAN REVIEW (When required by chapter 296-46A WAC, Plan review for educational, institutional or health care facilities and other buildings):	
Electrical Plan submission fee	\$((59.40)) 61.30
Service/feeder Ampacity:	
0 - 100	\$((26.40)) 27.20
101 - 200	\$((32.90)) 33.90
201 - 400	\$((61.50)) 63.40
401 - 600	\$((72.60)) 74.90

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601 - 800	\$((93.50)) 96.40
801 - 1000	\$((114.40)) 118.00
Over 1000	\$((124.10)) 128.00
Over 600 volts surcharge	\$((19.70)) 20.30
Thermostats:	
First	\$((11.80)) 12.10
Each additional	\$3.00
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$((10.70)) 11.00
Each additional circuit or zone	\$2.00
Generators, refer to appropriate service/feeder ampacity fees	
<i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) will be charged per hour or fraction of an hour*	\$((70.30)) 72.50
MEDICAL GAS PLAN REVIEW:	
SUBMISSION FEE	\$((74.00)) 76.30
FIRST STATION	\$((74.00)) 76.30
EACH ADDITIONAL STATION	\$((27.00)) 27.80
RECIPROCAL PLAN REVIEW:	
INITIAL FEE-MASTER DESIGN	\$((119.00)) 122.80
INITIAL FEE-ONE YEAR DESIGN	\$((72.00)) 74.30
RENEWAL FEE	\$((72.00)) 74.30
ADDENDUM	\$((72.00)) 74.30
PLANS APPROVED BY DESIGN PROFESSIONALS	
	\$((54.00)) 55.70
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	
	\$((14.00)) 14.40
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$((69.00)) 71.20
TRAVEL (Per hour*)	\$((69.00)) 71.20
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$((69.00)) 71.20
TRAVEL (Per hour*)	\$((69.00)) 71.20
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	

PROPOSED

INSIGNIA FEES:	
FIRST SECTION	\$((220.00)) 227.00
EACH ADDITIONAL SECTION	\$((20.00)) 20.60
REISSUED-LOST/DAMAGED	\$((54.00)) 55.70
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$((69.00)) 71.20
NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA)	\$((30.00)) 30.90
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$((11.30)) 11.60
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 03-12-044, filed 5/30/03, effective 5/30/03)

WAC 296-150M-3000 Manufactured home fees.

INITIAL FILING FEE	\$((29.60)) 30.50
DESIGN PLAN FEES:	
STRUCTURAL ALTERATION - MASTER DESIGN (CODE CYCLE)	\$((119.10)) 122.90
STRUCTURAL ALTERATION - ONE YEAR DESIGN	\$((80.00)) 82.50
RENEWAL FEE	\$((35.60)) 36.70
RESUBMITTAL FEE	\$((59.40)) 61.30
ADDENDUM (Approval expires on the same date as original plan.)	\$((59.40)) 61.30
ELECTRONIC PLAN SUBMITTAL FEE \$((4.60)) 4.70 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
DEPARTMENT INSPECTION FEES:	
INSPECTION	
MECHANICAL	
Heat Pump	\$((30.00)) 30.90
Combination Heat Pump (new) and Furnace (replacement)	\$((40.00)) 41.20
Air Conditioning	\$((30.00)) 30.90
Combination Air Conditioning (new) and Furnace (replacement)	\$((40.00)) 41.20
Furnace Installation (gas*** or electric)	\$((30.00)) 30.90
Gas*** Piping	\$((30.00)) 30.90
Wood Stove	\$((30.00)) 30.90
Pellet Stove	\$((30.00)) 30.90
Gas*** Room Heater	\$((30.00)) 30.90
Gas*** Decorative Appliance	\$((30.00)) 30.90
Range: Changing from electric to gas***	\$((30.00)) 30.90
Gas*** Water Heater Replacement	\$((20.00)) 20.60
Water Heater: Changing from electric to gas***	\$((20.00)) 20.60
Any combination of Furnace, Range, and Water Heater changing from electric to gas*** and includes Gas Piping charge	\$((60.00)) 61.90
ELECTRICAL	
Heat Pump	\$((40.00)) 41.20
Heat Pump (when home is prewired for a heat pump)	\$((10.00)) 10.30
Combination Heat Pump (new) and Furnace (replacement)	\$((50.00)) 51.60
Air Conditioner	\$((40.00)) 41.20
Air Conditioner (when home is prewired for an air conditioner)	\$((10.00)) 10.30
Combination Air Conditioner (new) and Furnace (replacement)	\$((50.00)) 51.60
Furnace Installation (gas or electric)	\$((40.00)) 41.20
Wood Stove (if applicable)	\$((40.00)) 41.20
Pellet Stove (if applicable)	\$((40.00)) 41.20
Gas*** Room Heater (if applicable)	\$((40.00)) 41.20

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Gas*** Decorative Appliance (if applicable)	\$(40.00) 41.20
Range: Changing from gas*** to electric	\$(40.00) 41.20
Electric Water Heater Replacement	\$(40.00) 41.20
Electric Water Heater replacing Gas*** Water Heater	\$(40.00) 41.20
Each added or modified 120 volt circuit (maximum charge is two circuits)	\$(40.00) 41.20
Each added 240 volt circuit (for other than Heat Pumps, Air Conditioners, Furnaces, Water Heaters, Ranges, Hot Tubs or Spas)	\$(40.00) 41.20
Hot Tub or Spa (power from home electrical panel)	\$(40.00) 41.20
Replace main electrical panel	\$(40.00) 41.20
Low voltage fire/intrusion alarm	\$(40.00) 41.20
Fire Safety	\$(40.00) 41.20
Any combination of Furnace, Range and Water Heater changing from electric to gas***	\$(40.00) 41.20
PLUMBING	
Fire sprinkler system (also requires a plan review)	\$(20.00) 20.60
Each added fixture	\$(20.00) 20.60
Replacement of water piping system (this includes two inspections)	\$(90.00) 92.80
STRUCTURAL	
Inspection as part of a mechanical/fire safety installation (cut truss/floor joist, sheet rocking)	\$(40.00) 41.20
Reroofs (may require a plan review)	\$(70.00) 72.20
Changes to home when additions bear loads on home per the design of a professional (also requires a plan review)	\$(70.00) 72.20
Other structural changes (may require a plan review)	\$(70.00) 72.20
Fire Safety (may also require an electrical fire safety inspection)	\$(40.00) 41.20
MISCELLANEOUS	
Other structural changes (may require a plan review)	\$(70.00) 72.20
Plan Review	\$(80.00) 82.50
OTHER REQUIRED INSPECTIONS (Per hour*)	\$(55.00) 56.70
ALL REINSPECTIONS (Per hour*)	\$(55.00) 56.70
INSIGNIA FEES:	
ALTERATION	\$(10.00) 10.30
REISSUED - LOST/DAMAGED	\$(10.00) 10.30
IPIA	
DEPARTMENT AUDIT FEES	
REGULARLY SCHEDULED IPIA AUDIT:	
First inspection on each section (one time only)	\$(27.10) 27.90
Second and succeeding inspections of unlabeled sections (Per hour*)	\$(59.40) 61.30
OTHER IPIA FEES:	
Red tag removal during a regularly scheduled IPIA audit (Per hour* separate from other fees)	\$(59.40) 61.30
Red tag removal at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$(59.40) 61.30
Increased frequency surveillance (Per hour* plus travel time* and mileage**)	\$(59.40) 61.30
Attendance at manufacturers training classes (Per hour* only)	\$(59.40) 61.30
Subpart "I" investigations (Per hour* plus travel time* and mileage**)	\$(59.40) 61.30
Alterations to a labeled unit (Per hour* plus travel time* and mileage**)	\$(59.40) 61.30
IPIA Issues/Responses (Per hour* Plus travel time* and mileage**)	\$(59.40) 61.30
Monthly surveillance during a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$(59.40) 61.30
Monthly surveillance at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$(59.40) 61.30
Plant certifications, recertifications and addenda updates (Per hour* plus travel time* and mileage** per each inspector)	\$(59.40) 61.30
Response to HBT Audit during a regularly scheduled IPIA audit (Per hour*)	\$(59.40) 61.30
Response to HBT Audit at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$(59.40) 61.30
Alternative construction (AC) letter inspections at placement site (Per hour* plus travel time* and mileage**)	\$(59.40) 61.30
Replacement of HUD labels (Per hour* plus travel time* and mileage**)	\$(59.40) 61.30
State Administrative Agency (SAA) inspection fee (Per hour* plus travel time* and mileage**)	\$(59.40) 61.30

PROPOSED

OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour plus travel time* and mileage**)	\$(55.00) 56.70
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	\$(11.30) 11.60
VARIANCE INSPECTION FEE	\$(80.00) 82.50
HOMEOWNER REQUESTED INSPECTION	\$(80.00) 82.50
DECERTIFICATION OF A MOBILE/MANUFACTURED HOME	\$(80.00) 82.50
DEMOLITION OF A MOBILE/MANUFACTURED HOME	\$(80.00) 82.50
NOTE: Local jurisdictions may have other fees that apply.	
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Gas means all gases; natural, propane, etc.	

AMENDATORY SECTION (Amending WSR 03-12-045, filed 5/30/03, effective 6/30/03)

WAC 296-150P-3000 Recreational park trailer fees.

INITIAL FILING FEE	\$(30.50) 31.40
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE WITHOUT STRUCTURAL REQUIREMENTS	\$(85.90) 88.60
NEW PLAN REVIEW FEE WITH STRUCTURAL REQUIREMENTS	\$(113.40) 117.00
RESUBMITTAL FEE	\$(61.30) 63.20
ADDENDUM (Approval expires on same date as original plan.)	\$(61.30) 63.20
ELECTRONIC PLAN SUBMITTAL FEE \$(4.70) 4.80 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
QUALITY CONTROL/MANUAL FEES:	
INITIAL APPROVAL	\$(11.60) 11.90
RESUBMITTAL FEE	\$(61.30) 63.20
ADDENDUM	\$(61.30) 63.20
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$(61.30) 63.20
TRAVEL (per hour)*	\$(61.30) 63.20
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$(61.30) 63.20
TRAVEL (per hour)*	\$(61.30) 63.20
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
ALTERATION INSPECTION (One hour plus insignia alteration fee)	94.60
INSIGNIA FEES:	
STATE CERTIFIED	\$(11.40) 11.70
ALTERATION	\$(30.50) 31.40
REISSUED-LOST/DAMAGED	\$(11.40) 11.70

OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$((61.30)) <u>63.20</u>
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	\$((41.60)) <u>11.90</u>
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 03-12-045, filed 5/30/03, effective 6/30/03)

WAC 296-150R-3000 Recreational vehicle fees.

STATE PLAN	
INITIAL FILING FEE	\$((30.50)) <u>31.40</u>
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE	\$((85.90)) <u>88.60</u>
RESUBMITTAL FEE	\$((61.30)) <u>63.20</u>
ADDENDUM (Approval expires on same date as original plan.)	\$((61.30)) <u>63.20</u>
QUALITY CONTROL/MANUAL FEES:	
INITIAL APPROVAL	\$((41.60)) <u>11.90</u>
RESUBMITTAL FEE	\$((61.30)) <u>63.20</u>
ADDENDUM	\$((61.30)) <u>63.20</u>
ELECTRONIC PLAN SUBMITTAL FEE \$((4.70)) <u>4.80</u> per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$((61.30)) <u>63.20</u>
TRAVEL (per hour)*	\$((61.30)) <u>63.20</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$((61.30)) <u>63.20</u>
TRAVEL (per hour)*	\$((61.30)) <u>63.20</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
ALTERATION INSPECTION (One hour plus insignia alteration fee)	<u>\$94.60</u>
INSIGNIA FEES:	
STATE CERTIFIED	\$((41.00)) <u>11.30</u>
ALTERATION	\$((30.50)) <u>31.40</u>
REISSUED-LOST/DAMAGED	\$((41.00)) <u>11.30</u>
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$((61.30)) <u>63.20</u>
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	\$((41.60)) <u>11.90</u>
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

PROPOSED

PROPOSED

SELF CERTIFICATION	
INITIAL FILING FEE	\$((30.50) <u>31.40</u>)
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE (one time fee)	\$((85.90) <u>88.60</u>)
RESUBMITTAL FEE	\$((61.30) <u>63.20</u>)
ADDENDUM (Approval expires on same date as original plan.)	\$((61.30) <u>63.20</u>)
ELECTRONIC PLAN SUBMITTAL FEE \$((4.70) <u>4.80</u>) per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
SELF CERTIFICATION/MANUAL FEES:	
INITIAL APPROVAL	\$((11.60) <u>11.90</u>)
RESUBMITTAL FEE	\$((61.30) <u>63.20</u>)
ADDENDUM	\$((61.30) <u>63.20</u>)
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$((61.30) <u>63.20</u>)
TRAVEL (per hour)*	\$((61.30) <u>63.20</u>)
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$((61.30) <u>63.20</u>)
TRAVEL (per hour)*	\$((61.30) <u>63.20</u>)
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
SELF CERTIFIED	\$((11.00) <u>11.30</u>)
ALTERATION	\$((30.50) <u>31.40</u>)
REISSUED-LOST/DAMAGED	\$((11.00) <u>11.30</u>)
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$((61.30) <u>63.20</u>)
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	\$((11.60) <u>11.90</u>)
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
***Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 03-12-045, filed 5/30/03, effective 6/30/03)

WAC 296-150T-3000 Factory-built temporary worker housing fees.

INITIAL FILING FEE	\$((42.70) <u>44.00</u>)
DESIGN PLAN FEES:	
INITIAL ONE YEAR DESIGN	\$((123.00) <u>126.90</u>)
RENEWAL FEE	\$((42.70) <u>44.00</u>)
RESUBMIT FEE	\$((61.30) <u>63.20</u>)
ADDENDUM (Approval expires on same date as original plan)	\$((61.30) <u>63.20</u>)

ELECTRONIC PLAN SUBMITTAL FEE \$4.70 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	\$((72.76)) 75.00
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$((11.60)) 11.90
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$((61.30)) 63.20
TRAVEL (Per hour)*	\$((61.30)) 63.20
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$((61.30)) 63.20
TRAVEL (Per hour*)	\$((61.30)) 63.20
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$((172.40)) 177.90
EACH ADDITIONAL SECTION	\$((16.80)) 17.30
REISSUED-LOST/DAMAGED	\$((42.70)) 44.00
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$((61.30)) 63.20
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free per year)	\$((11.60)) 11.90
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines	
*** Actual charges incurred	

PROPOSED

AMENDATORY SECTION (Amending WSR 03-12-045, filed 5/30/03, effective 6/30/03)

WAC 296-150V-3000 Conversion vendor units and medical units—Fees.

INITIAL FILING FEE	\$((30.50)) 31.40
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN	\$((209.60)) 216.30
INITIAL FEE - ONE YEAR DESIGN	\$((85.90)) 88.60
RENEWAL FEE	\$((36.70)) 37.80
RESUBMIT FEE	\$((61.30)) 63.20
ADDENDUM (Approval expires on same date as original plan)	\$((61.30)) 63.20
ELECTRONIC PLAN SUBMITTAL FEE \$4.70 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
RECIPROCAL PLAN REVIEW:	
INITIAL FEE - MASTER DESIGN	\$((93.50)) 96.40
INITIAL FEE - ONE YEAR DESIGN	\$((56.60)) 58.40
RENEWAL FEE	\$((56.60)) 58.40
ADDENDUM	\$((56.60)) 58.40

PROPOSED

APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$((11.60)) <u>11.90</u>
DEPARTMENT INSPECTION FEES:	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$((61.30)) <u>63.20</u>
TRAVEL (Per hour)*	\$((61.30)) <u>63.20</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
<u>ALTERATION INSPECTION (One hour plus insignia alteration fee)</u>	<u>\$94.60</u>
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$((61.30)) <u>63.20</u>
TRAVEL (Per hour*)	\$((61.30)) <u>63.20</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$((17.80)) <u>18.30</u>
ALTERATION	\$((30.50)) <u>31.40</u>
REISSUED-LOST/DAMAGED	\$((11.60)) <u>11.90</u>
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$((61.30)) <u>63.20</u>
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$((11.60)) <u>11.90</u>
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 03-20-097, filed 9/30/03, effective 11/17/03)

WAC 296-200A-900 What fees does the department charge contractors for issuance, renewal, reregistration, and reinstatement of certificates of registration? The department charges the following fees:

(1) \$((~~103.20~~)) 106.50 for each issuance, renewal or reregistration of a certificate of registration for contractors. This registration is valid for two years from date of issuance, renewal or reregistration or until it is suspended or revoked.

(2) \$((~~48.99~~)) 50.40 for the reinstatement of a certificate of registration.

(3) \$((~~11.60~~)) 11.90 for providing a duplicate certificate of registration.

(4) \$((~~23.40~~)) 24.10 for each requested certified letter prepared by the department.

(5) \$162.00 for the construction and electrical contractor listing publication on CD ROM per year, prorated according to the number of issues left in the subscription year, which runs from November 1 through October 31. Each issue costs \$13.50.

(6) \$2.00 per copy for documents copied from a contractor's file. The maximum copy charge for copies from one contractor's file will be \$27.20.

(((~~6~~))) (7) \$20.00 is required to cover the costs for the service of process in an action against a contractor, the contractor's bond, or the deposit under RCW 18.27.040.

(((~~7~~))) (8) \$25.00 is required to cover the costs for the service of processing refunds.

WSR 04-08-097
PROPOSED RULES
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed April 6, 2004, 2:38 p.m.]

Original Notice.

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

Title of Rule: WAC 246-888-010, 246-888-020, 246-888-030, 246-888-040, and 246-888-070, medication assistance.

Purpose: The rules recognize that individuals residing in community-based care settings or in-home settings may need assistance self-administering their legend drugs and controlled substances due to physical or mental limitations. The

rules also set standards for medication assistance in these settings.

Statutory Authority for Adoption: Chapter 69.41 RCW, RCW 18.64.005.

Statute Being Implemented: Chapter 69.41 RCW.

Summary: The proposed amendments clarify that the rule only applies to controlled substances and legend drugs, simplifies the practice of medication assistance while maintaining prescriber involvement, and allows medication assistance with prefilled insulin syringes.

Reasons Supporting Proposal: The proposed amendments implement legislation, HB 1753, enacted in 2003 and promote public health.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald Williams, 310 Israel Road S.E., Tumwater, WA 98504-7863, (360) 236-4825.

Name of Proponent: Washington State Department of Health, Board of Pharmacy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 246-888 WAC, Medication assistance, rules allow for medication assistance in community-based care settings or in-home settings for individuals who may need assistance with self-administering their medications. The proposed amendments implement legislation enacted during the 2003 legislative session. The amendments will simplify the practice of medication assistance while maintaining prescriber involvement, allow medication assistance with prefilled insulin syringes (assistance with the administration of any other intravenous and/or injectable medication continues to be excluded from the rule), and clarify that the rule only applies to legend drugs and controlled substances. It is anticipated that the proposed amendments will have the potential to improve the quality of life of individuals who may need assistance with their medications.

Proposal Changes the Following Existing Rules: Amends WAC 246-888-010, 246-888-020, 246-888-030, 246-888-040, and 246-888-070, medication assistance. Changes include:

- Clarify that the rule only applies to legend drugs and controlled substances;
- Correct a wrong WAC citation;
- Repeals WAC 246-888-040 relating to a change in the individual's situation;
- Simplify the practice of medication assistance while maintaining prescriber involvement; and
- Allow medication assistance with prefilled insulin syringes (assistance with the administration of any other intravenous and/or injectable medication continues to be excluded from the rule).

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposed amendments are explicitly and specifically dictated by statute and will not impose more than a minor cost on businesses or an industry.

RCW 34.05.328 does not apply to this rule adoption. Proposed amendments are explicitly and specifically dictated by statute.

Hearing Location: Mirabeau Park Hotel, 1100 North Sullivan Road, Spokane, WA 99037, on June 11, 2004, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Lisa Salmi by June 1, 2004, TDD 833-6388 [1-800-833-6388] or (360) 236-4828.

Submit Written Comments to: Lisa Salmi, Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, e-mail Lisa.Salmi@doh.wa.gov, fax (360) 586-4359, by June 1, 2004.

Date of Intended Adoption: June 11, 2004.

February 26, 2004

D. H. Williams

Executive Director

PROPOSED

AMENDATORY SECTION (Amending WSR 00-01-123, filed 12/17/99, effective 1/17/00)

WAC 246-888-010 Purpose. The legislature recognizes that individuals residing in community-based care settings or ~~((their own homes,))~~ in-home settings may need assistance self-administering their ~~((medications,))~~ legend drugs and controlled substances, due to physical or mental limitations.

Community-based care settings include: Community residential programs for the developmentally disabled, certified by the department of social and health services under chapter 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and boarding homes licensed under chapter 18.20 RCW. Community-based care settings do not include acute care or skilled nursing facilities.

In-home settings include: An individual's place of temporary and permanent residence, but does not include acute care or skilled nursing facilities, and does not include community-based care settings. The following rules provide guidance to the individual/resident and caregiver on medication assistance and administration.

AMENDATORY SECTION (Amending WSR 00-01-123, filed 12/17/99, effective 1/17/00)

WAC 246-888-020 What is self-administration with assistance and how is it different from independent self-administration or medication administration? Self-administration with assistance means assistance rendered by a nonpractitioner to an individual residing in a community-based care setting or ~~((his/her own home))~~ an in-home care setting. It includes reminding or coaching the individual to take their medication, handing the medication container to the individual, opening the medication container, using an enabler, or placing the medication in the hand of the individual/resident. The individual/resident must be able to put the medication into his or her mouth or apply or instill the medication. The individual/resident does not necessarily need to state the name of the medication, intended effects, side effects, or other details, but must be aware that he/she is receiving medications. Assistance may be provided with prefilled insulin syringes. Assistance is limited to handing the prefilled insulin syringe to an individual/resident. Assistance with the administration of any other intravenous and/or

PROPOSED

injectable medication is specifically excluded. The individual/resident retains the right to refuse medication. ~~((Assistance with the administration of intravenous and injectable medications are specifically excluded.))~~ Self-administration with assistance shall occur immediately prior to the ingestion or application of a medication.

Independent self-administration occurs when an individual/resident is independently able to directly apply a legend drug or controlled substance by ingestion, inhalation, injection or other means. In licensed boarding homes, self-administration may include situations in which an individual cannot physically self-administer medications but can accurately direct others per WAC ((246-316-300)) 388-78A-300. These regulations do not limit the rights of people with functional disabilities to self direct care according to chapter 74.39 RCW.

If an individual/resident is not able to physically ingest or apply a medication independently or with assistance, then the medication must be administered to the individual/resident by a person legally authorized to do so (e.g., physician, nurse, pharmacist). All laws and regulations applicable to medication administration apply. If an individual/resident cannot safely self-administer medication or self-administer with assistance and/or cannot indicate an awareness that he or she is taking a medication, then the medication must be administered to the individual/resident by a person legally authorized to do so.

AMENDATORY SECTION (Amending WSR 00-01-123, filed 12/17/99, effective 1/17/00)

WAC 246-888-030 How is self-administration with assistance initiated in a community-based care setting or an in-home setting? An individual/resident ~~((or his or her representative from))~~ who resides in a community-based care setting or an in-home setting or his or her representative may request self-administration with assistance. ~~((The practitioner consults with the individual or his or her representative and the facility in making the decision. A practitioner considers such factors as the physical and mental limitations of the individual and the setting or environment in which the individual resides, for purposes of determining whether or not the individual can safely self-administer with assistance. Practitioners include: A physician, osteopathic physician, podiatric physician, dentist, licensed practical nurse, registered nurse, advanced registered nurse practitioner, and a pharmacist. Refer to chapter 69.41 RCW for a complete listing of authorized practitioners.))~~ A nonpractitioner may help in the preparation of legend drugs and controlled substances for self-administration where a practitioner has determined and communicated orally or by written direction that such medication preparation assistance is necessary and appropriate.

No additional separate assessment or documentation of the needs of the individual/resident are required in order to initiate self-administration with assistance. It is recommended that providers document their decision making process in the health record of the individual or resident health record.

AMENDATORY SECTION (Amending WSR 00-01-123, filed 12/17/99, effective 1/17/00)

WAC 246-888-070 Can all medications be altered to facilitate self-administration? A pharmacist or other practitioner practicing within their scope of practice must determine that it is safe to alter a medication. If the medication is altered, and a practitioner has determined that such medication alteration is necessary and appropriate, the determination shall be communicated orally or by written direction. Documentation of the appropriateness of the alteration must be on the prescription container, or in the individual's/resident's record.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-888-040	What if there is a change in the individual's situation?
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NEW SECTION

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

Old WAC Number	New WAC Number
246-888-050	246-888-040
246-888-060	246-888-050
246-888-070	246-888-060
246-888-080	246-888-070
246-888-090	246-888-080
246-888-100	246-888-090
246-888-110	246-888-100

WSR 04-08-098
PROPOSED RULES
DEPARTMENT OF HEALTH
 (Examining Board of Psychology)
 [Filed April 6, 2004, 2:39 p.m.]

Original Notice.
 Preproposal statement of inquiry was filed as WSR 98-22-087.

Title of Rule: Parenting plan evaluation standards, WAC 246-924-510 and 246-924-515.

Purpose: The proposal creates procedures for psychologists to use when performing parenting plan evaluations.

Other Identifying Information: Parenting plan evaluations are also known as child custody evaluations. These are new sections WAC 246-924-510 and 246-924-515.

Statutory Authority for Adoption: RCW 18.83.050 (1), (5), 18.83.121.

Statute Being Implemented: Chapter 18.83 RCW.

Summary: These rules establish minimum standards for conducting parenting plan evaluations. They identify spe-

cific elements that must be either included or considered in an evaluation and subsequent written reports.

Reasons Supporting Proposal: The public, families, and the courts will be better served with standards in place.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Janice K. Boden, HSC3, Tumwater, Washington, (360) 236-4912.

Name of Proponent: Washington State Examining Board of Psychology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule provides a definition for "parenting plan evaluations," identifies the elements to be addressed in the evaluation including: Preevaluation elements; data collection elements; assessment elements; and written report elements.

The purpose is to standardize the way parenting plan evaluations are conducted, yet allow for professional judgment and difference in orientation, when a specific situation requires an approach outside of the standard mold. These rules will also provide a benchmark for the board to use when evaluating complaints.

Standardization will result in consumers that are better informed about the evaluation process - perhaps resulting in a reduction of complaints received, and will provide guidance to the profession on what is acceptable practice in this state. Evaluations will be more comprehensive and reliable - helping courts make better decisions and helping clients feel the evaluation process was fair.

Proposal does not change existing rules.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Proposed New Sections: WAC 246-924-510 Parenting plan evaluations and 246-924-515 Parenting plan evaluations—Elements.

Background: Statute, chapter 18.83 RCW, regulates the practice of licensed psychologists in the state of Washington. The intentions of this regulation are to protect the public from being misled by incompetent, unethical and/or unauthorized persons; to assure the availability of psychology services of high quality to persons in need; and to assure the highest degree of professional conduct and competency in the delivery of these services.

Under RCW 18.83.050, the Examining Board of Psychology is authorized to define and establish qualifications and standards for education, examination, licensure, and practice of psychologists in the state of Washington. Ultimately, the Board establishes rules that it considers appropriate for the protection of the consumers of psychology services, the people of the state of Washington.

Over the past several years, the board estimates that 30% of consumer reports of unprofessional or incompetent practice were identified in the area of parenting plan (child custody) evaluations, which was previously free from rule. The board has identified potential risks whereby the public may be harmed at the hands of psychologists using inconsistent and unconventional data collection techniques, evaluation

methods and reporting formats, which altogether often result in evaluations that are viewed as unfair or biased or inaccurate.

By establishing new specific criteria and standards for the parenting plan evaluation process and formalizing them into enforceable rules, the board anticipates the evaluation process will improve by becoming more consistent, reliable, effective, and fair. And, because these proposed requirements cannot be placed into policy, and since enforcement is required, rule amendment is the only method to incorporate these new requirements. In the end, psychologists, clients and other related parties will be better informed about the evaluation process, potentially reducing the number of disadvantageous reports filed, and improving the overall effectiveness of utilizing parenting plan evaluations when determining child custody.

Purpose and Objective: The primary objective of these proposed rules is to enhance the quality of care provided by psychologists licensed by the state of Washington. Without these rules there could be licensed psychologists providing potentially inaccurate, biased, or even damaging parenting plan evaluations - which could lead to substandard care of the public, and potentially harmful outcomes of child custody disputes.

The Examining Board of Psychology is proposing new rules that will ultimately impose new requirements on parenting plan evaluations. The new rules will:

- Add clarity and consistency to the methodology and practice of parenting plan evaluations.
- Increase awareness of parenting plan evaluations, stressing the importance of consistent, standardized evaluations in determining child custody.
- Reduce potential risks for inaccurate, deleterious and inconsistent parenting plan evaluations.
- Reduce the number of complaints and reports of unprofessional or incompetent practice in the area of parenting plan evaluations.
- Improve the overall effectiveness of using parenting plan evaluations when determining child custody.
- Ensure that all licensed psychologists are competent and capable of carrying out their professional duties including authoring accurate and standardized parenting plan evaluations.
- Improve the overall quality of services and care provided by psychologists.

Rule-making Requirements of the Regulatory Fairness Act (Chapter 19.85 RCW): The Regulatory Fairness Act, RCW 19.85.030, requires the department to conduct a small business economic impact statement (SBEIS) for proposed rules that have more than minor impact on small businesses. As defined in RCW 19.85.020 a small business is "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

What Does the Rule Require?

- The proposed rules add new requirements for psychologists in performing and documenting parenting plan evaluations.

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- The rules require psychologists to properly and completely assess and document all areas of the evaluation process including but not limited to the following:
 - Preevaluation agreements and assessments that are consistent.
 - Data collection methods and elements that are legitimate and complete.
 - Complete and thorough assessment involving all parties involved.
 - Complete and thorough written reporting, consistent with chapter 26.09 RCW.

- The rules define and outline terminology, requirements, limits and processes of parenting plan evaluations. The rules affect all psychologists by adding new enforceable requirements to their existing methods and standards of practice.
- The rules reiterate the fact that outcomes of these evaluations should be in the best interest of the children involved.

Affected Industries/Disproportionate Costs: In preparing this small business economic impact statement, the Department of Health used the following SIC codes.

SIC Industry Code and Title	No. of Businesses	No. of Employees	Average No. of Employees For Smallest Businesses	Average No. of Employees for 10% of Largest Businesses
8051 Skilled nursing facilities	281	26,407	15	144
8063 Psychiatric hospitals	6	3,177	0	147
8221 Colleges and universities	124	43,952	7	3454
8322 Individual and family services	1,261	29,061	31	181
8399 Social services, not elsewhere classified	372	3,400	4	36

There is no disproportionate impact on small businesses. Many evaluations will have no additional costs to the licensee. However, some reports may require additional data gathering and report writing. The average hourly wage of a licensed psychologist in Washington state is \$125 per hour. DOH estimates an average cost of \$375 for a psychologist to conduct additional data gathering. Also, additional report writing will cost the psychologist one hour for a cost of \$125. While licensed psychologists will encounter costs with the implementation of the new rules, the cost does not disproportionately impact small businesses. The burden of additional time for a psychologist to gather data and write a report are considered to have the same cost per employee in both large and small businesses.

How Will the Department of Health Notify Businesses? Upon adoption, these rules will be made available to businesses that involve counselor professionals, institutions, and facilities in a number of ways:

- Available on the Internet.
- Copy sent to all businesses that have asked to be placed on the interested persons mailing list.
- Included in the next updated law book which is sent upon request to businesses and licensees.
- Available at the front counter for businesses and licensees.
- Copy of rule is available through the Code Reviser's Office, which is available to all businesses and licensees.
- Printed in the newsletter.

Costs to the Department of Health to Administer the Regulation: There are no new additional costs to the Department of Health to amend or repeal these rules. No additional review time and no additional analyses are required as a result of the amendments.

How Has the Department of Health Involved Businesses in the Rule-making Process? To ensure compliance with the current rule-making process, the board solicited input from

the public and other stakeholders, held public work sessions to identify problems with the current system and to receive input from licensees and the public. After those meetings the board reviewed the received input and agreed on "concepts." A rule writing session was held July 1999 and draft rules were written. The board finalized the proposed rule language at its April 2001 meeting.

What Are the Reporting, Record Keeping, and Other Compliance Requirements? The proposed rule would not impose any reporting, record-keeping, or other compliance requirements. Psychologists working in this area of practice are already preparing written reports.

Will the Proposed Rule Cause Businesses to Lose Sales or Revenue? No. Psychologists currently have to comply with various practice and ethical standards in order to maintain a license. Attorneys and the courts will continue to rely upon psychologists to conduct evaluations and make recommendations regarding parenting plans in custody and divorce proceedings.

What Professional Services Is a Small Business Likely to Need in Order to Comply with the Requirements of the Proposed Rule? Small businesses will not need professional services to comply with the requirements of the proposed rule.

What Are the Costs to the Department of Health to Administer the Regulation? There are no new additional costs to the Department of Health to amend these rules. No additional review time and no additional analyses are required as a result of the amendments.

A copy of the statement may be obtained by writing to Department of Health, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 236-4912, fax (360) 236-4909.

RCW 34.05.328 applies to this rule adoption. These rules are significant because they adopt substantive procedures that subject the violator to penalty or sanction. The agency has conducted the additional analysis required.

Hearing Location: Wyndham SeaTac Hotel, 18118 International Boulevard, Seattle, WA 98188, (206) 244-6666, on May 14, 2004, at 9:15 a.m.

Assistance for Persons with Disabilities: Contact Janice K. Boden by April 16, 2004, TDD (800) 833-6322 or (360) 236-4612.

Submit Written Comments to: Janice K. Boden, Program Manager, Examining Board of Psychology, P.O. Box 47869, Olympia, WA 98504-7869, e-mail janice.boden@doh.wa.gov, fax (360) 236-4912.

Date of Intended Adoption: May 14, 2004.

March 9, 2004

Janice K. Boden
Program Manager

NEW SECTION

WAC 246-924-510 Parenting plan evaluations. Psychologists may be called upon to assist the courts in determining an appropriate parenting plan for a minor child or children. These rules establish minimum standards for these evaluations. It is the duty of each psychologist to make recommendations that are based upon the best interest of the child.

(1) A parenting plan evaluation is defined as an assessment of family functioning, leading to recommendations regarding the primary residential parent, shared residential time, decision-making authority and other variables. An evaluation usually includes a written report of the assessment and recommendations. The conclusions reached in an evaluation are based on information from more than one source.

(2) If psychological testing is used as part of the evaluation, the test(s) must be used for their intended purposes and must be interpreted according to the instructions of the test developer or as suggested in research literature.

(3) If the psychologist has provided therapeutic services to one party or both parties, the psychologist shall decline an appointment as a parenting evaluator unless there are unusual mitigating circumstances. Providing service in a rural or underserved area with limited professional options is an example of a mitigating circumstance. If a prior professional relationship exists with the parties, the psychologist shall disclose the prior professional relationship to the parties or their counsel before beginning the evaluation.

With an appropriate release, a psychologist may provide relevant information to the court regarding his or her client without that feedback being construed as a parenting evaluation. Relevant information may include, but is not limited to, diagnosis, clinical assessment, treatment plan, or prognosis.

(4) A psychologist may perform limited evaluative services related to, but not intended to be, a full parenting plan evaluation. Examples of these services include evaluating parenting ability of a party, evaluating substance abuse status of a party, assessing psychological functioning of a party, performing a sexual deviance evaluation, conducting a domestic violence assessment, assessing allegations of sexual or physical abuse of a child, or performing a vocational assessment of a party. The psychologist shall not make diagnostic or evaluative comments about a person he or she has

not personally evaluated. The psychologist shall not make comparative statements unless both parties are evaluated.

NEW SECTION

WAC 246-924-515 Parenting plan evaluations—Elements. The following elements shall be addressed in parenting plan evaluations. These elements shall be addressed either by completing the element or by describing in the report or the file the reason for omitting the element.

(1) Preevaluation elements:

(a) The psychologist shall obtain the following:

(i) Court order or a written agreement from all parties to conduct the evaluation;

(ii) Written agreement about payment arrangements;

(iii) Appropriate signed authorizations for release of information.

(b) Prior to commencing any evaluative activity the psychologist shall disclose the following specific information to the litigants:

(i) Estimated cost;

(ii) Written fee structure;

(iii) Written statement regarding the purpose of the evaluation;

(iv) Written statement of to whom the report may be released;

(v) How sessions will be selected and sequenced;

(vi) How collateral contacts will be selected;

(vii) How errors can be corrected;

(viii) Any dual roles and the possible conflicts of interest that may arise from the dual roles.

(2) Data collection elements:

(a) Face-to-face session(s) with each party;

(b) Observation of each child with party;

(c) Interviews with each child who has the capacity to provide relevant information;

(d) Equal psychological testing of both parties. If additional instruments are administered to one party, the reason for doing so shall be specified in the report or the file;

(e) Approximately equal time spent with each party;

(f) Appropriate collateral contact interviews;

(g) An opportunity for each party to express concerns or issues; and

(h) A review of relevant documents and pleadings.

(3) Assessment elements:

(a) The psychological functioning of each party;

(b) The psychological functioning of the child;

(c) The needs of the individual child;

(d) Each party's parenting history;

(e) Relevant ethnic and cultural issues;

(f) Indian Child Welfare Act of 1978 (P.L. 95-608);

(g) Attachment and relationship between each child and each party;

(h) Each party's parenting skills; and

(i) Possible limiting factors as outlined in chapter 26.09 RCW such as child abuse, domestic violence, substance abuse, or the abusive use of conflict.

(4) Written report elements:

(a) Consistent with chapter 26.09 RCW regarding criteria for permanent parenting plans;

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- (b) Address the developmental needs of the children;
 - (c) No diagnostic or evaluative comments about any person not personally observed by the psychologist;
 - (d) No discrimination based on age, gender, race, ethnicity, disability, sexual orientation, national origin, religion, or any other protected class under applicable law;
 - (e) Acknowledge and address major concerns of each party, including allegations against both parties;
 - (f) Identify documents relied upon;
 - (g) Identify all collateral contacts;
 - (h) Identify all testing done;
 - (i) Identify all interviews with parties;
 - (j) Identify date of report preparation and distribution;
- and
- (k) Concurrent distribution to parties and/or attorneys as specified in the disclosure statement.

WSR 04-08-099
PROPOSED RULES
STATE BOARD OF HEALTH
 [Filed April 6, 2004, 2:40 p.m.]

Original Notice.
 Preproposal statement of inquiry was filed as WSR 00-22-122.

Title of Rule: Chapter 246-260 WAC, Water recreation facilities.

Purpose: To revise the entire chapter for clarity and update design and operation standards to reflect the latest public health information and advances in technology.

Statutory Authority for Adoption: RCW 70.90.120.

Statute Being Implemented: Chapter 70.90 RCW.

Summary: This proposal includes reorganization to improve readability, reduce some detail, and consolidate requirements that are common to all pool types. Significant changes in the rule include:

- Improving existing barrier protection at older facilities (built before 1990);
- Modifying requirements for lifeguards at private clubs; and
- Addressing safety hazards for pools with single main drains.

In addition a number of other requirements have been simplified or relaxed to provide more flexibility for pool operators.

Name of Agency Personnel Responsible for Drafting and Implementation: Gary Fraser, 7171 Cleanwater Lane, Tumwater, WA, (360) 236-3073; and Enforcement: Maryanne Guichard, 7171 Cleanwater Lane, Tumwater, WA, (360) 236-3391.

Name of Proponent: Department of Health and the State Board of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal streamlines and clarifies chapter 246-260 WAC. The proposal also changes the requirements for lifeguards, pool barriers and main drains in order to decrease

the risk of injury and drowning. Other requirements have been simplified or relaxed to provide more flexibility for pool operators.

Proposal Changes the Following Existing Rules: Two sections are amended: WAC 246-260-001 Purpose and authority and 246-260-010 Definitions.

Three sections of the chapter remain the same with no amendments: WAC 246-260-180 Bathing beaches, 246-260-990 Fees, and 246-260-998 Severability.

All the remaining sections of the chapter are repealed and have been reorganized and rewritten.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

1. Briefly Describe the Proposed Rule: The rule governs design, construction and operation of water recreation facilities regulated in Washington state. It applies to swimming pools, spas, wading pools, spray pools and public bathing beaches. The rule was last revised in 1992.

The regulations for water recreation facilities covered in chapter 246-260 WAC are to ensure a healthy and safe environment for the users of more than 4,000 regulated pool facilities in Washington state. This program is administered jointly by the state and local health jurisdictions.

The proposal repeals most of the existing chapter and reorganizes it to be clearer and easier to use. No changes are proposed for WAC 246-260-180 Bathing beaches, 246-260-990 Fees, and 246-260-998 Severability. For this reason, these sections are not seen in the proposal and are not considered in this analysis.

2. Is a Small Business Economic Impact Statement (SBEIS) Required for this Rule? Yes.

3. Which Industries are Affected by this Rule?

7011: Hotels and Motels

7991: Physical Fitness Facilities

7997: Membership Sports and Recreation Clubs

7999: Amusement and Recreation Services, Not Elsewhere Classified

4. What are the Costs of Complying with this Rule for Small Businesses (Those with Fifty or Fewer Employees) and For the Largest 10% of Businesses Affected? Detailed cost estimates can be found in the accompanying significant analysis document. They indicate the following estimated costs of compliance:

Rule Component	Estimated Cost
Lifeguard requirement (WAC 246-260-131 (5)(a)(iv))	Cost savings -\$50,000/year
Barriers (WAC 246-260-031 (4) and (5))	\$0 - \$17,500 (one-time)
Innovative design (WAC 246-260-021(4))	Cost savings
Main drains (WAC 246-260-031 (8)(e))	Minor

Rule Component	Estimated Cost
Skimmer line drain grate protection (WAC 246-260-031(8))	Minor
Spa pools—Equipment rooms (WAC 246-260-031(14))	Cost savings - \$600 (one-time)
Ton chlorine cylinders (WAC 246-260-031 (17)(h))	Minor
Lockers (WAC 246-260-031 (20)(a)(v))	\$0 - \$250 (one-time)
Self-closing faucets (WAC 246-260-031 (21)(f)(iv))	Minor
Showers (WAC 246-260-031 (21)(g)(4))	Cost savings
Diaper changing stations (WAC 246-260-031(22))	\$0 - \$500
Lighting (WAC 246-260-031(23))	Minor
Diving boards (WAC 246-260-041 (6)(a)(iv))	Significant cost savings (one-time)
Starting blocks (WAC 246-260-041 (6)(b)(ii))	Cost savings
Emergency phone (WAC 246-260-041 (11)(c))	Minor
Spa pools—Perimeter requirements (WAC 246-260-051(1) and 246-260-061)	Minor
Spa pools—Decking (WAC 246-260-051(1) and 246-260-061)	\$0
Spa pools—Setback from raised structures (WAC 246-260-051 and 246-260-061)	Cost savings
Spa pools—At transient accommodation facilities (WAC 246-260-061)	Cost savings
Spa pools—In individual rooms of hotels, etc. (WAC 246-260-061)	Cost savings
Wading pools (formerly WAC 246-260-071)	Cost savings
Recirculating spray pools (WAC 246-260-081)	Cost savings
Spray pools—Maximum velocity (WAC 246-260-081(3))	Minor
Spray pools—Bathrooms, etc. (WAC 246-260-081 and 246-260-031)	\$0

Rule Component	Estimated Cost
<i>Spray pools—Walkway (WAC 246-260-081(1))</i>	\$0 - \$1,000 (one-time)
<i>Emergency equipment requirements (WAC 246-260-041 (11)(g), 246-260-071(7), and 246-260-081(4))</i>	\$0 - \$600 (one-time)
Specialty design features (WAC 246-260-091)	Cost savings
Water quality—Ozone and copper silver (WAC 246-260-111(3))	Minor
Water quality—Minimum and maximum disinfectant levels (WAC 246-260-111(3))	Minor
Water quality—Testing equipment (WAC 246-260-111 (6)(c))	Minor
Water quality—And air quality (formerly WAC 246-260-070, now WAC 246-260-111(8))	Minor
Water recreation facilities—Not in operation (WAC 246-260-141(2))	Cost savings
Water recreation facilities—Abandoned (WAC 246-260-141(5))	Cost savings
Water recreation facilities—Variances (WAC 246-260-131)	Cost savings
<i>Water recreation facilities—Enforcement (WAC 246-260-201 (1)(c))</i>	Cost savings - \$300

PROPOSED

5. Does the Rule Impose a Disproportionate Impact on Small Businesses? Yes. The italicized rule components in the list above are likely to impose a disproportionate cost on small businesses. Although costs for some of these components will probably be higher for larger businesses, the fixed-cost nature of many of these items suggests that costs will be disproportionate for small businesses. Larger businesses, in other words, will be able to spread the costs out among a larger volume of sales (or a larger number of employees).

6. If the Rule Imposes a Disproportionate Impact on Small Businesses, What Efforts Were Taken to Reduce that Impact (or Why Is It Not "Legal and Feasible" To Do So) by

(a) **Reducing, Modifying, or Eliminating Substantive Regulatory Requirements?** For lifeguarding requirements for private clubs, mitigating efforts include allowing a lower level of training for lifeguarding in shallow waters. There is

also an allowance to only have an attendant, rather than a life-guard.

The requirement for the emergency shut-off switch and audible alarm for single main drain swimming pools, wading pools and recirculating spray pools represents the least costly alternative for improving protection with single main drain pools.

With regard to the final proposal, it is not feasible to reduce, modify, or eliminate substantive regulatory requirements because of their importance for public health: Small facilities need emergency alarms for the same reason that large facilities need them. However, the variance process does provide some flexibility in exceptional circumstances. This process may prove useful, for example, for owners of small spa pools who can demonstrate that they have sufficient access to equipment and do not need an equipment room.

(b) Simplifying, Reducing, or Eliminating Record-Keeping and Reporting Requirements? Monitoring requirements have been simplified and some have been removed including need to monitor all hazardous equipment and daily estimation of the number of users. Water quality monitoring requirements have simplified minimum residuals with a wider range of disinfectant allowed in swimming pools and wading pools.

(c) Reducing the Frequency of Inspections? Local health jurisdictions have taken the responsibility for operating permits across the state at this time. Each department establishes their inspection frequency.

(d) Delaying Compliance Timetables? The sections of the regulation dealing with significant financial impact (barriers and emergency shut-off switches for single main drain pools), provide until June of 2008 for facilities to come into compliance.

(e) Reducing or Modifying Fine Schedules for Non-compliance? While civil penalty provisions exist in the regulations, DOH has not used these to date. The only time civil penalties have been issued by local health jurisdictions is when a pool poses an imminent hazard (e.g., lack of adequate barrier protection, lack of disinfection, etc.) Generally, when civil penalties have been written in the past, they have been removed when compliance is achieved.

(f) Any Other Mitigation Techniques? Other mitigations include:

- Removed the fifteen foot setback requirement for second floor balconies, etc, for spa and wading pools.
- Skimmer outlets are provided with a wider range for operation, making placement simpler.
- Details for sizing for equipment rooms have been simplified with removal of minimum square foot of surface area. For spas at transient accommodations serving fewer than fifteen living units, the requirement has been removed.
- Details for filtration have been relaxed and will defer to third party for application rates for filters.
- Many lighting level requirements have been reduced or eliminated.
- Some items in emergency equipment requirements have been reduced: Including size of first-aid kits,

blankets, and requirements for reaching pools have been changed to only apply to nonlifeguarded pools.

- Spa pool requirements for smaller motel/hotel/B&B serving fewer than fifteen living units have been reduced.
- Spray pool designs will now be allowed that recirculate, without having to be attached to a swimming pool 30,000 gallons more in volume.
- Facilities that are abandoned have an additional option of providing a safety cover rather than just filling the pool.
- The variance process will only require going to either the state or local health agency, but not require written concurrence.

7. How are Small Businesses Involved in the Development of this Rule? A member of the private clubs that comes within the size of a small business owner sat on our task force with the development of these regulations and provided input on the development of the lifeguard requirements for private clubs.

Other small business owner groups, including those representing hotel, motel association, and mobile home park owners, participated in the committee. Others from the apartment owners and condominium owners were invited to attend, but they chose not to participate.

A copy of the statement may be obtained by writing to Gary Fraser, Environmental Health Division, P.O. Box 47825, Tumwater, WA 98504, e-mail gary.fraser@doh.wa.gov, phone (360) 236-3073.

RCW 34.05.328 applies to this rule adoption. Portions of this rule making qualify as "significant legislative rules" and the analysis required by RCW 34.05.328 has been prepared. A draft copy is available by contacting Gary Fraser at the address listed above.

Hearing Location: State Board of Health, Skamania Lodge, 1131 S.W. Skamania Lodge Way, Stevenson, WA 98648, on May 12, 2004, at 11:15 a.m.

Assistance for Persons with Disabilities: Contact Gary Fraser by May 5, 2004, TDD (800) 833-6388 or (360) 236-2250.

Submit Written Comments to: Gary Fraser, Environmental Health Division, P.O. Box 47825, Tumwater, WA 98504, by May 7, 2004.

Date of Intended Adoption: May 12, 2004.

April 5, 2004

Craig McLaughlin

Acting Executive Director

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-260-001 Purpose and authority. (1) The purpose of this chapter is to protect the health, safety, and welfare of users of water recreation facilities (WRF). This chapter is established per RCW 70.90.120.

(2) This chapter does not apply to:

(a) Any water recreation facility for the sole use of residents and invited guests at a single-family dwelling;

(b) Any water recreation facility for the sole use of residents and invited guests of a duplex owned by the residents;

(c) Therapeutic water facilities operated exclusively for physical therapy or rehabilitation under the supervision of a licensed medical practitioner; and

(d) Steam baths and saunas.

(3) Requirements for recreational water contact facilities, including water slides, speed slides and wave pools are contained in chapter 246-262 WAC.

AMENDATORY SECTION (Amending Order 226B, filed 12/23/91, effective 1/23/92)

WAC 246-260-010 Definitions. (1) "Abbreviations" (technical):

~~((a))~~ "CPR" means cardiopulmonary resuscitation;

"DE" means diatomaceous earth;

~~((b))~~ "F" means Fahrenheit;

"fps" means feet per second;

~~((c))~~ "gpm" means gallons per minute;

~~((d))~~ "mg/l" means milligrams per liter. When requirements in this regulation specify limits for liquid volume measurements using mg/l or ppm, either may be used depending on the type of testing equipment available;

~~((e))~~ "ppm" means parts per million. See notation under mg/l for use;

~~((f))~~ "TU" means turbidity unit as measured by the nephelometric method.

~~(2) ("ANSI" means American National Standards Institute.~~

~~(3) "APHA" means American Public Health Association.~~

~~(4)) Acronyms:~~

~~(a) "ALTI" means Advanced Lifeguard Training International;~~

~~(b) "ANSI" means American National Standards Institute;~~

~~(c) "APHA" means American Public Health Association;~~

~~(d) "ARC" means American Red Cross;~~

~~(e) "ASA" means American Standards Association;~~

~~(f) "ASHRAE" means American Society of Heating, Refrigeration and Air Conditioning Engineers;~~

~~(g) "ASTM" means American Society for Testing and Materials;~~

~~(h) "AWWA" means American Waterworks Association;~~

~~(i) "E&A" means Ellis and Associates;~~

~~(j) "CPSC" means U.S. Consumer Product Safety Commission;~~

~~(k) "EPA" means U.S. Environmental Protection Agency;~~

~~(l) "FINA" means Federation Internationale de Natation Amateur;~~

~~(m) "IAPMO" means International Association of Plumbing and Mechanical Officials;~~

~~(n) "NAUI" means National Association of Underwater Instructors;~~

~~(o) "NSF" means National Sanitation Foundation;~~

~~(p) "NSPI" means National Spa and Pool Institute;~~

~~(q) "PADI" means Professional Association of Diving Instructors;~~

~~(r) "UBC" means Uniform Building Code;~~

~~(s) "UL" means Underwriters' Laboratories;~~

~~(t) "WRF" means water recreation facility;~~

~~(u) "WRPA" means Washington Recreation and Parks Association;~~

~~(v) "WSDA" means Washington state department of agriculture; and~~

~~(w) "YMCA" means Young Men's Christian Association.~~

~~(3) Definitions:~~

~~"Approved" means the department or local health officer has stated in writing that the design plans and specifications are in accordance with this chapter ((246-260 WAC.~~

~~(5) "ARC" means American Red Cross).~~

~~((6)) "Architect" means a registered architect currently licensed under chapter 18.08 RCW in Washington state.~~

~~((7) "ASHRAE" means American Society of Heating, Refrigeration and Air Conditioning Engineers.~~

~~(8) "Assistant lifeguard" means a person appointed by the owner or manager meeting the training requirements of this chapter actively assisting lifeguards (under direct lifeguard supervision) for the purpose of ensuring bather safety.~~

~~(9)) "Attendant" means a person appointed by the owner or manager meeting the training requirements of this chapter(, monitoring) who monitors activities and conditions for the purpose of ensuring bather safety.~~

~~((10)) "Bathing beach" means a bathing place, together with buildings and appurtenances ((used in connection therewith), on a natural pond, lake, stream, or other body of fresh or salt water(, which) that is open to the public for bathing by express permission of the owner, ((or which is) operated for a fee, or openly advertised as a place for bathing by the public.~~

~~((11)) "Board" means the state board of health.~~

~~((12) "CNCA" means Council for National Cooperation in Aquatics.~~

~~(13) "CPSC" means Consumer Product Safety Commission (U.S.).~~

~~(14)) "Commercial strength ammonia" means ammonia having a strength of twenty-six degrees Baume'.~~

~~"Communication system" means any combination of devices permitting the passage of ((or exchange of)) messages between personnel and/or personnel and bathers. Systems can include but are not limited to two-way radios, hard wired intercoms, horns, whistles, hand signals, direct voice, signs, or equivalent.~~

~~((15)) "Contaminant" means any physical, chemical, or biological substance present in the WRF water which may adversely affect the health or safety of the bather ((and/) or the quality of the water.~~

~~((16)) "Cross-connection" means any physical arrangement connecting ((a)):~~

~~(a) Potable water system directly or indirectly, with anything other than another potable water system; or~~

~~(b) WRF pool to any ((potable or nonpotable)) water source capable of contaminating either the WRF pool, its components, or potable water source as a result of backflow.~~

((17)) "Department" means the state department of health.

((18)) "Deep water" means water greater than five feet in depth.

"Diving envelope" means the minimum dimensions of an area within the pool necessary to provide entry from a diving board, platform, or pool decking intended for users to dive.

((19)) "Engineer" means a registered professional engineer currently licensed under chapter 18.43 RCW ~~((in Washington state)).~~

~~((20)) "FINA" means Federation Internationale de Natation Amateur.~~

(21)) "Fall zones" mean the areas under and around play toys where a person playing on them could fall. These areas should be free of obstacles or other equipment so that there's plenty of room. Basic guidelines include the following:

(a) Fall zones should extend a minimum of six feet in all directions from the perimeter of the play toy equipment.

(b) If the height of an adjacent play toy is thirty inches or more, the minimum distance between pieces of play equipment should be at least nine feet.

"General use pool" means any swimming, spa, wading, or spray pool regulated by this chapter not meeting the definition of a "limited use pool." ~~((If limited use pools provide organized programs (as noted in limited use definition), the limited use pools shall conform with the general use pool requirements during periods of such activity.~~

(22)) "Handhold" means a structure not over twelve inches above the water line around the perimeter of the pool wall, affording physical means for the bather to grasp the pool sides.

((23)) "Illness or injury report" means the written record of all facts regarding an injury or illness associated with the WRF.

((24)) "Innovative design feature" means a design feature, equipment, device, or operative procedure not specifically covered by these rules or chapter 246-262 WAC.

"Licensed medical practitioner" includes medical doctor, osteopath, chiropractor, naturopath, and medical therapist currently licensed in Washington state.

"Lifeguard" means a person meeting the training requirements of these rules appointed by the owner or manager to maintain surveillance over the bathers on the deck or in the pool and to supervise bather safety. ~~((The lifeguard shall meet the training requirements of this chapter.~~

(25)) "Lifeguard station" means designated work station of a lifeguard.

((26)) "Lifesaving equipment" means emergency equipment and barrier protection.

((27)) "Lifesaving Society" means the organization in Canada that establishes training requirements and standards for Lifeguard training.

"Limited use pool" means any swimming, spa, wading, or spray pool regulated by this chapter at an apartment, boarding home, condominium, fraternity, home owners association, hotel, mobile home park, motel, recreational vehicle park, sorority or rental housing unit ~~((and is))~~ for the use of the persons living or residing at ~~((these facilities))~~ the facility and ((the)) their resident's invited guests. ~~((If such pool pro-~~

~~vides organized programs at the facility (that is, formal instructional lessons for swimming or diving, swim meets, exercise classes, or other activities planned for users besides those specified under the limited use pool category), the pool facility shall conform with the general use pool requirements during periods of such activity.~~

~~((28)) When organized programs are provided at the facility (including, but not limited to, formal swimming or diving lessons, swim meets, or exercise classes), for users besides those specified under the limited use category, the pool facility shall be considered to be a general use pool during periods of such activity.~~

"Local health officer" means the health officer of the city, county, or city-county department or district or a representative authorized by the local health officer.

~~((29)) "NSF" means National Sanitation Foundation.~~

~~((30)) "NSPI" means National Spa and Pool Institute.~~

~~((31)) "Operations" means all aspects of a WRF which must be controlled to make the facility safe, healthy, and usable for the purpose intended.~~

(32)) "Owner" means a person owning and responsible for a WRF or their authorized agent.

((33)) "Person" means an individual, firm, partnership, copartnership, corporation, company, association, club, government entity, or organization of any kind.

((34)) "Physical plant" refers to pool shell, piping, lighting, ventilation, locker rooms, chemical storage rooms, mechanical rooms, or other structural facility components that are not readily modified. It does not include pumps, filters or disinfection systems.

"Play toy" is a water feature added to a pool for use by bathers that provides activity or action that enhances the overall use of the water environment. Such feature may include, but not be limited to, fixed stationary features, inflatable or floatable equipment, or other equipment with the intent to invite bathers to play on or around the feature.

"Pool" means swimming pool, wading pool, spray pool, or spa pool or the like.

~~((35)) "Plummet" means a line perpendicular to water surface and extending vertically to a point located at the front end of the diving board and at the center line directly in front of the diving board.~~

~~((36)) "Primary zone of visual coverage" means the area assigned to a lifeguard or attendant for primary visual surveillance of user activity.~~

(37)) "Private club" means a group or organization requiring membership enrollment.

"Radius of curvature" means the radius arc denoting the curved surface from the point of departure from the springline (vertical sidewall) of the pool to the pool bottom.

((38)) "Response time" means time between bather distress and initiation of rescue assistance contact by a lifeguard in facilities providing lifeguards.

((39)) "Recreational water contact facility" means an artificial water associated facility with design and operational features that provide patron recreational activity which is different from that associated with a conventional swimming pool and purposefully involves immersion of the body partially or totally in the water, and that includes but is not lim-

ited to water slides, wave pools, and water lagoons. These facilities are regulated by chapter 246-262 WAC.

~~((40)) "RLSSC" means the Royal Life Saving Society of Canada:~~

~~(41)) "Secretary" means the secretary of the department of health.~~

~~((42)) "Serious injury" means any injury:~~

~~(a) Requiring emergency service response where a person requires medical treatment as determined by the emergency medical response personnel; ~~(and)~~ or~~

~~(b) Resulting in a person seeking medical attention at a medical facility, hospital emergency room or admittance to a hospital.~~

~~((43)) "Shallow water" means water equal to or less than five feet in depth.~~

~~"Shallow water lifeguard" means a person appointed by the owner or manager to supervise bather safety in water depths not exceeding five feet who meets the training requirements of this chapter.~~

"Spa pool" means a pool designed for relaxation or recreational use where the user is usually sitting, reclining, or at rest and the pool is not drained, cleaned, ~~((or))~~ and refilled for each user. The spa pool may include, but not be limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction bubbles in any combination.

~~((44)) "Spray pool" means a pool or artificially constructed depression for use by bathers in which water is sprayed, but is not allowed to pond ~~((in))~~ in the bottom of the pool.~~

~~((45)) "Springline" means the point where the pool wall breaks from vertical and begins its arc in the radius of curvature (for cove construction) to the bottom of the pool.~~

~~((46)) "Swimming pool" means any structure, basin, chamber, or tank containing an artificial body of water for swimming, diving, relaxation, or recreational bathing and having a depth of two feet or more at any point and including all associated facilities.~~

~~((47)) "Swim spa" means a type of spa pool used primarily for stationary swimming.~~

"Turnover time" means the minimum time necessary to circulate the entire volume of the pool facility through the treatment system.

~~((48)) "Wading pool" means any artificial pool of water equal to or less than two feet deep and intended for wading purposes.~~

~~((49)) "Walking surface" means any surface used as a direct access surface for a pool area and the walking surface's change room facilities where the user is barefoot.~~

~~((50)) "Water treatment operator" means the appointed person operating the physical and mechanical equipment and performing related water quality monitoring and associated record keeping for proper operation of the physical facility.~~

~~((51)) "Water recreation facility (WRF)" means any artificial basin or other structure containing water used or intended to be used for recreation, bathing, relaxation or swimming, where body contact with the water occurs or is intended to occur and includes auxiliary buildings and appurtenances. The term includes, but is not limited to:~~

~~(a) Conventional swimming pools, wading pools, and spray pools;~~

(b) Recreational water contact facilities as defined under RCW 70.90.110 and regulated under chapter 246-262 WAC;

(c) Spa pools and tubs using hot water, cold water, mineral water, air induction, or hydrojets; and

(d) Any area designated for swimming in natural waters with artificial boundaries within the waters.

NEW SECTION

WAC 246-260-021 Construction permit. (1) Prior to construction, alteration or modification of a WRF pool, except for routine maintenance, an owner shall obtain a construction permit. In order to obtain a construction permit, the owner shall submit a completed application package to the department or local health officer for review and approval. The application package shall include:

(a) A completed construction permit application form obtained from the department or local health officer; and

(b) Three sets of plans and specifications prepared, stamped and signed by an engineer or architect.

(2) Plans must be drawn to scale and in sufficient detail to completely illustrate that construction is in compliance with this chapter. The plans shall include:

(a) One plan view;

(b) One or more cross-sections through the main drain;

(c) Overall plan showing the pool in relation to other facilities in the area;

(d) Detailed view of the equipment layout and the associated room or location;

(e) A piping schematic showing piping configuration, pipe size, valves, inlets, main drains, over flow outlets, make-up water, and backwash from the filter;

(f) Dimensional drawings of pool bottom and sidewalls;

(g) Specifications of all required components; and

(h) Other information requested by the department or local health officer.

(3) Only applications and plans that the department or local health officer determines are complete may be considered for permit approval or denial. The department or the local health officer shall approve or deny a complete application within thirty days.

(4) Owners may submit a construction permit application proposing a WRF that incorporates innovative design features not specifically covered by these regulations or chapter 246-262 WAC. At least thirty days prior to development of final plans and specifications, the owner shall present their proposal at a preliminary design conference with the department or local health officer. The owners or their architects or engineers shall address the health and safety issues, including maintenance and operation of the proposed innovative design, and good engineering practice. The department or local health officer may require additional information and additional review or justification by a safety engineer or other qualified individual before approving or denying the application. An application for a construction permit for a water recreation facility may not be approved unless, notwithstanding a noncompliant design, the health and safety purposes behind the requirements of this chapter would be met. An applicant (or the architect or engineer acting on behalf of the applicant)

shall provide adequate documentation to meet these requirements including, but not limited to:

(a) Protection from drowning, diving injury, entrapment, impact or falling hazards, tripping or slipping hazards;

(b) Maintenance of water and air quality, including equivalent disinfection, filtration, control of pH, physical water conditions, water clarity and prevention of contamination to preclude illness;

(c) Age appropriate designs and means to control these features for the appropriate range of users.

(5) Owners shall ensure any WRF construction, modification, or alteration is completed according to approved plans and specifications.

(6) Upon completion of WRF construction, modification, or alteration and before an operating permit is issued, owners shall:

(a) Submit to the department or local health officer a construction report signed by an engineer or architect stating that to the best of the engineer's or architect's knowledge and belief, the installation is in compliance with the approved plans. The engineer's and architect's certification of the above condition in no way relieves any other party from meeting requirements imposed by contract or other regulations, including commonly accepted industry practice; and

(b) Notify the department or local health officer at least five working days before intended use of the facility.

(7) The construction permit issued by the department or local health officer is valid eighteen months. The department or local health officer may grant construction permit renewals which are valid for one year. The owner is responsible to resubmit for a reapplication for a construction permit.

NEW SECTION

WAC 246-260-031 General design, construction, and equipment for all WRF pool facilities. (See additional design and construction requirements for swimming pools in WAC 246-260-041, for spa pools in WAC 246-260-051 and 246-260-061, for wading pools in WAC 246-260-071, for spray pools in WAC 246-260-081 and for specialty design conditions in WAC 246-260-091. See chapter 246-262 WAC for specific requirements for water park type features.)

(1) **Location:** Owners shall locate pools to minimize surface drainage and other potential sources of pollution from entering the pool.

(2) **Materials:** Owners shall use only structure and equipment materials that are nontoxic, durable, inert, and easily cleanable.

(3) **Walking surfaces:** Owners shall design and maintain walking surfaces:

(a) Sloping away from the pool or pools;

(b) Sloping a minimum of one-fourth inch per foot to drain;

(c) Having a nonslip finish;

(d) Not having an abrupt change in height of greater than one-half inch, a gap no greater than one-half inch in width, or a crumbling surface presenting a potential tripping hazard;

(e) Equipped with sufficient drains to prevent standing water; and

(f) Of easily cleanable, impervious finishes.

(4) **Barriers for new construction and remodeling:**

(a) Owners shall provide barriers to prevent unauthorized persons from gaining access to pools. Spray pool facilities without standing water are exempt from barrier requirements of this section.

(b) Barriers at limited use pools must be at least sixty inches high.

(c) Barriers at general use pools must be at least seventy-two inches high.

(d) Barriers, including windows, (see figures 031.1 and 031.2) may not:

(i) Allow passage of a four-inch diameter sphere; or

(ii) Have spaces between vertical members greater than a width of one and three-quarter inches if the distance between the tops of horizontal members are spaced less than forty-five inches apart.

(e) Solid barriers may not have indentations or protrusions, other than normal construction tolerances and masonry joints.

(f) Barriers must have self-closing, self-latching gates or doors that provide either:

(i) A mechanism that uses a continuously locked latch, coded lock or other equivalent access control system that always requires a key or code to enter pool area. If the latch is less than sixty inches from the ground, the barrier must have an eighteen-inch radius of solid material around the latch (see figure 031.2) to preclude a child on the outside of the barrier from reaching through the gate or barrier and opening the latch and entering the pool; or

(ii) A latch height of sixty inches or more from the ground.

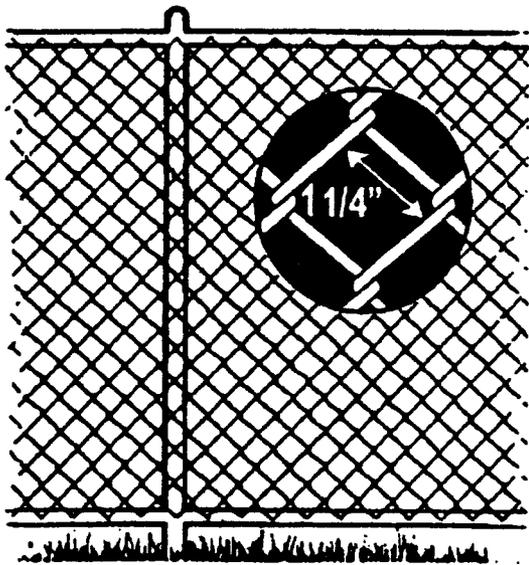
(g) Restricted area service entrances are exempt from door or gate requirements provided that no public access is available.

(h) Lifeguarded pools are not required to have a self-closing, self-latching gate during the period a pool is in use. Facility gates shall be closed and locked during nonuse periods.

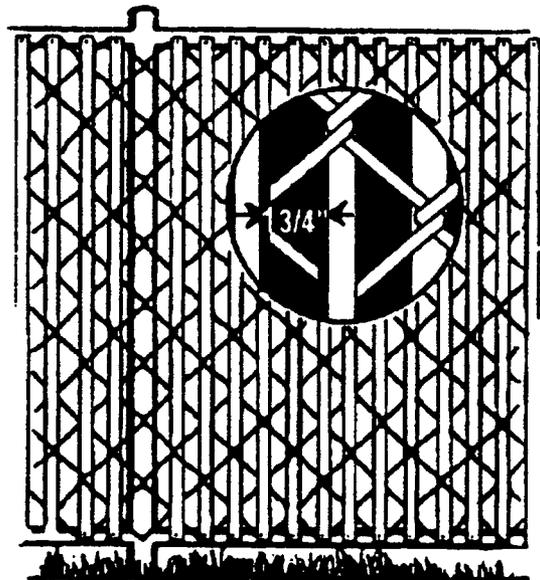
(i) Barrier heights are measured on the side outside the pool enclosure area. Owners shall ensure that surrounding ground levels, structures, or landscaping do not reduce the effective height of the barrier.

Figure 031.1
Barrier Construction Detail

(a). For a Chain Link Fence:
The mesh size shall not exceed 1 1/4 inches square.



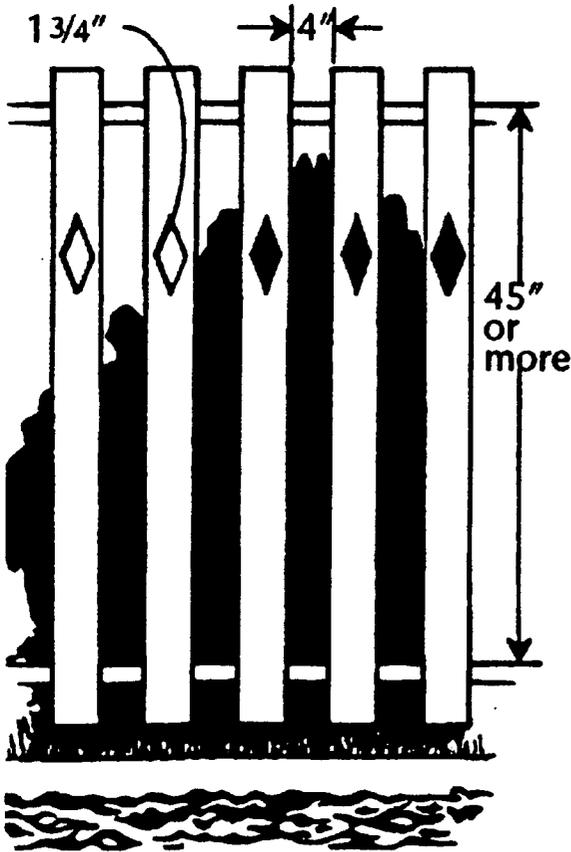
(b). When chain link exceeds 1 1/4 inches square, provide slats to reduce mesh openings to no more than 1 3/4 inches.



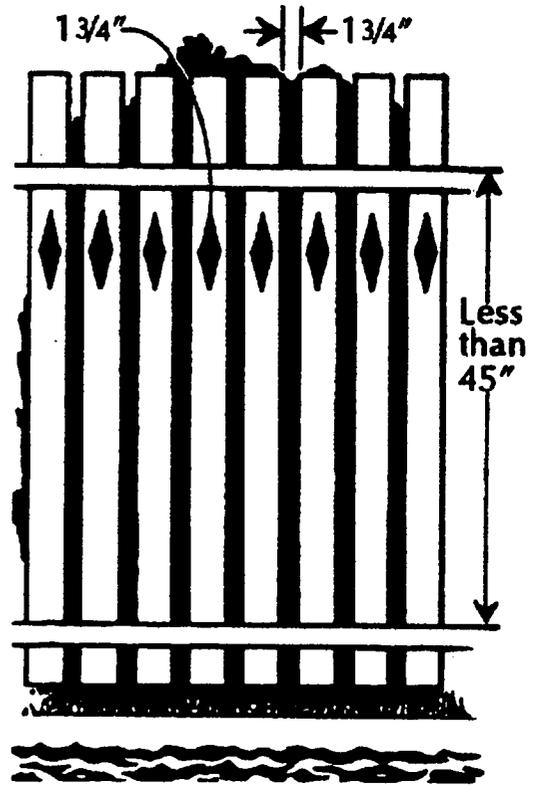
PROPOSED

PROPOSED

(c). **Vertical Spacing:** If tops of horizontal members are greater than 45 inches apart, vertical spacing shall not exceed 4 inches.

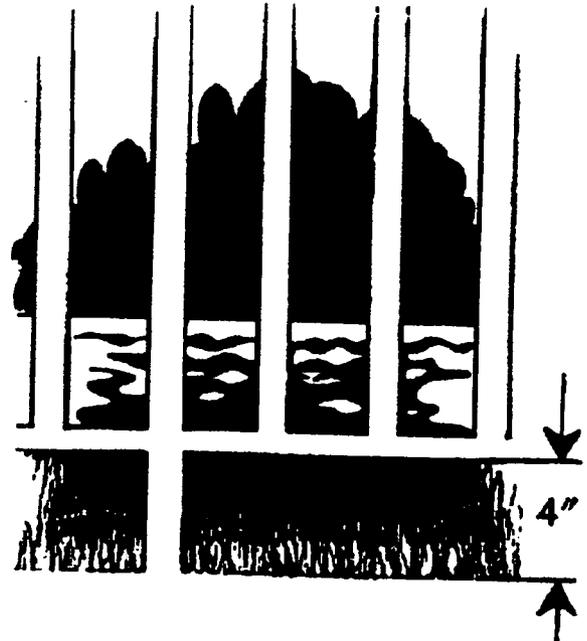
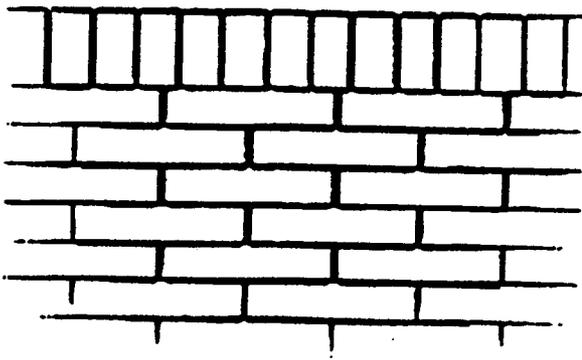


(d). **Vertical Spacing:** If tops of horizontal members are less than 45 inches apart, vertical spacing shall not exceed 1 3/4 inches.



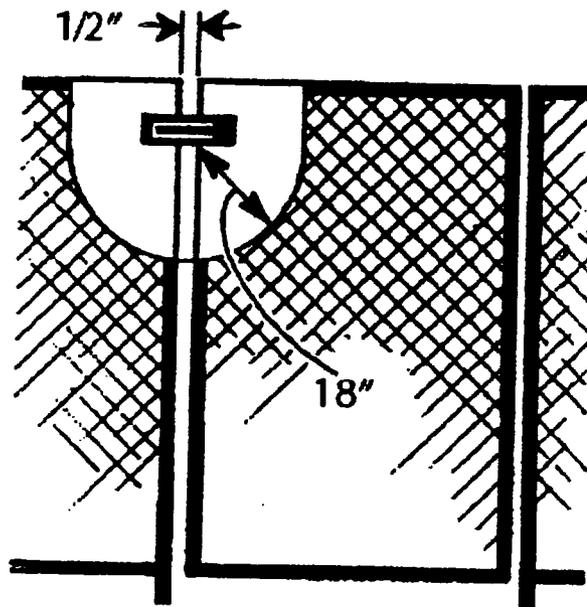
(e). **Solid Barrier:** No indentations or protrusions shall be present, other than normal construction tolerances and masonry joints.

(f). **Maximum Clearance** shall not exceed 4 inches above grade.



PROPOSED

Figure 031.2 Gate and Latch Detail: When latch height is less than 60 inches from the ground, a continuously locked lock must be provided with an 18 inch radius of protection around the latch.



(5) **Barriers for existing facilities:** Before June 1, 2008, owners shall provide barriers for all pools conforming with subsection (4) of this section. Barrier modifications made prior to the compliance deadlines shall meet the requirements in subsection (4) of this section, at the time the modifications are made.

(6) **Pool surface:** Owners shall ensure pool surfaces are constructed and maintained to:

- (a) Have white or light color finish;
- (b) Not cause cutting, pinching, puncturing, entanglement, or abrasion hazard under casual contact; and
- (c) Conform to ANSI/NSPI-1 2003 Standards for Public Swimming Pools or ANSI Standard NSPI-@-1999, American National Standard for Public Spas.

(7) **Inlets:** Owners shall provide pool inlets that are:

- (a) Submerged;
- (b) Located to produce uniform water and chemical circulation throughout the pool; and
- (c) Located on the bottom of swimming and wading pools over twenty-five hundred square feet and spa pools greater than ten thousand gallons.

(8) **Outlets:**

- (a) Owners shall provide pool outlets with:
 - (i) Overflow and main drain grating systems each designed to carry one hundred percent of the total recirculation filter flow;
 - (ii) Main drain piping systems designed to carry one hundred percent or more of total recirculation filter flow when a single pump is used or fifty percent or more of total recirculation filter flow when multiple pumps are used; and
 - (iii) Valving on main drain piping designed to provide required flow.

(b) Owners shall ensure that overflow outlets maintain a minimum of sixty percent of filter recirculation flow at all times.

(c) Overflow outlets must consist of an overflow channel on the perimeter of swimming pools twenty-five hundred square feet or more and spa pools ten thousand gallons or more, to promote uniform circulation and skimming action of the upper water layer with:

- (i) A design preventing all matter entering the channel from returning to the pool;
- (ii) Dimensions minimizing the hazard for bathers, such as catching arms or feet;
- (iii) One one-hundredth of a foot slope per foot or more. However, adequate hydraulic justification from a designer to ensure the overflow system will meet (c)(v) of this subsection may be provided as an alternative;
- (iv) Drains sufficiently spaced and sized to collect and remove overflow water to return line and filter, where applicable; and

(v) Size sufficient to carry one hundred percent of the recirculation flow plus the surge flow without flooding the overflow channel.

(d) Overflow outlets must consist of skimmers or overflow channels for pools less than twenty-five hundred square feet, or for spas under 10,000 gallons.

(i) Weirs provided in skimmers must have a normal operation flow rate of three to five gpm per inch of weir;

(ii) Skimmer equipment must be recessed in the pool wall so no part protrudes beyond the plane of the wall into the pool;

(iii) Skimmers must be equipped with a device, such as an equalizer line, to prevent air lock in the recirculation suction line. If equalizer lines are used, they must be protected with grates listed by IAPMO or UL;

(iv) Skimmers must be equipped with a removable and cleanable screen designed to trap large solids;

(v) Skimmers shall operate continuously with a minimum displacement rate of fifteen gallons per bather in swimming pools, twenty gallons in spa pools, and seven gallons in wading pools.

(e) **Main drains in all pools must:**

- (i) Be located at swimming and wading pool low points;
- (ii) Consist of two or more main drains for any pumped water recirculating system designed;

(A) Piping must be manifolded to assure the water pumps from both main drains simultaneously so that no single drain could be the sole source of suction;

(B) Drains must be spaced at least three feet apart or as far as practical in small spa pools. If a pool uses more than two main drains with a pump, the design must distribute flow so that no single drain could be the primary source of suction;

(C) Piping must be designed so velocity in piping assuming one hundred percent of the pump recirculation flow does not exceed six fps up to the main drain outlet box.

(iii) Have grates on drains with maximum flow of one and one-half feet per second or net outlet area four times or greater than the discharge pipe;

(iv) Have openings that prevent a sphere greater than one-half inch in diameter passing;

(v) Have mechanically fastened grates designed to withstand the force of users;

(vi) Have the total open area of grates sized to prevent a suction or entrapment hazard dangerous to user; and

(vii) For spa pools, have a design listed by IAPMO or UL to aid in preventing hair entrapment, if the main drains are located on vertical walls of the spas.

(9) **Pumps:** Owners shall provide and maintain recirculation pumps with adequate capacity to provide design flows for the entire operating and backwash cycles of the filter.

(10) **Strainers:** Owners shall provide hair and lint strainers for pumps that precede filters.

(11) **Pool appurtenances:**

(a) Owners shall ensure pools have:

(i) Handholds when the pool deck is greater than twelve inches above the water surface;

(ii) Stairs leading into spa pools;

(iii) Step risers on the exterior of the spa pool shall conform with UBC requirements for risers with nonslip tread finishes, when spas are elevated off the pool floor; and

(iv) Stairs, ladders, or stepholes for access at the shallow end of swimming pools.

(b) Owners shall ensure that stairs, when provided, meet the following construction requirements:

(i) Nonslip tread finish;

(ii) Contrasting color stair tread edges;

(iii) Placement recessed into the side of pools specifically designed for lap or competitive swimming;

(iv) Handrail having leading edges less than eighteen inches beyond and less than eight inches inside (horizontally) the vertical plane of the bottom riser;

(v) Each riser tread shall have a minimum unobstructed, tread depth of ten inches and minimum surface area each of two hundred forty inches;

(vi) Uniform riser heights of seven and one-half inches or less on general use swim pools fifteen hundred square feet or more and spa pools greater than forty feet in perimeter, except the bottom riser may be less than the uniform height; and

(vii) Uniform riser heights of ten inches or less for all other pools, except the bottom riser may be plus or minus two inches of the uniform height.

(c) Ladders or stepholes at swimming pools shall be:

(i) Spaced at a minimum of one for every seventy-five feet of swimming pool perimeter deeper than four feet;

(ii) Provided at both sides of the deep end of swim pools over thirty feet in width; and

(iii) Equipped with handrails.

(12) **Valves:** Owners shall provide valves to allow isolation and maintenance of equipment.

(13) **Balancing tanks:** Owners shall provide balancing tanks for pools designed with overflow channels. Balancing tanks must be of adequate size to prevent air lock in the pump suction line and have sufficient capacity to prevent flooding of the overflow channel.

(14) **Equipment and chemical storage rooms:** Owners shall provide enclosed, locked, lighted, vented rooms for mechanical equipment, with floors sloped to a floor drain and minimum access area three feet wide around equipment. Owners shall provide a separate chemical storage area or room that conforms to manufacturer's requirements for each chemical used in the pool area.

(15) **Make-up water:** Owners shall ensure an adequate supply of make-up water with associated piping, for each pool:

(a) Sufficient to replace daily pool losses;

(b) From a supply conforming to chapter 246-290 WAC;

(c) Without cross connections; and

(d) If using a pool fill spout, the spout may not project greater than one inch into the space above the water surface and shall be shielded so as not to create a deck hazard.

(16) **Filters:**

(a) Owners shall equip pools with filtration equipment:

(i) Meeting the applicable standards of NSF (for commercial application) or equivalent;

(ii) With a rate of flow indicator and gauge(s) for monitoring backpressure on filter;

(iii) With a means of discharging filter backwash to waste with a sight glass in a manner not creating a cross connection or a public nuisance;

(iv) With a means to release air entering the filter tank for pressure filters.

(b) If cartridge filters are used, owners shall always possess an extra set of cartridges and may not use cartridge filters with bypass valves.

(17) **Disinfection equipment:**

(a) Owners shall provide disinfection equipment:

(i) Providing a continuous and effective disinfectant residual;

(ii) Using a disinfectant with an easily monitored residual;

(iii) Having a design feed rate providing effective disinfection levels for peak demand conditions; and

(iv) Conforming to NSF standards 50 if disinfection chemical is other than gas chlorine.

(b) If disinfection equipment has adjustable output rate chemical feed of liquid solutions, the equipment shall:

(i) Feed under positive pressure in the recirculation system;

(ii) Provide a means for dosage adjustment; and

(iii) If the disinfection equipment is above pool water surface level, have provisions to prevent disinfectant solution siphoning when equipment is turned off.

(c) Solid tablets or granules may not be placed in skimmer basket.

(d) Rooms holding chlorine gas equipment must:

(i) Be above ground level;

(ii) Be constructed so all openings or partitions with adjoining rooms are sealed;

(iii) Be located with consideration of prevailing winds to dissipate leaked chlorine away from the pool facility;

(iv) Have door(s) opening only outward to the outdoors; and

(v) Have a sign on the door exterior reading **DANGER CHLORINE** in large enough letters to be read twenty-five feet away.

(e) Chlorine rooms must have mechanical exhausting ventilation that includes:

(i) Air inlets located as far as possible from fan intakes to promote good air circulation patterns;

(ii) A minimum of one air change per minute in the chlorine room when fan is operating;

(iii) A remote switch outside the room or a door-activated switch to turn on fan before entering;

(iv) Suction for fan near the floor;

(v) Exhaust vents located to prevent chlorine contaminated air from being drawn into supply air; and

(vi) Screened chlorinator vents.

(f) Gas chlorine systems must:

(i) Be vacuum injection type, with vacuum-actuated cylinder regulators;

(ii) Provide integral backflow and antisiphon protection at the injector;

(iii) Have taring (net weight of cylinder gas) scales for determining chlorine weight; and

(iv) Have a means for automatic shutoff when water flow is interrupted.

(g) A self-contained breathing apparatus designed for use in chlorine atmospheres caused by chlorine leaks must be available in an area accessible to the operator outside the chlorine room. The apparatus must be maintained in accordance with department of labor and industry standards. If procedures are established for immediate evacuation and the owner has a written agreement with emergency service fire districts or other approved organizations within the area for promptly responding to chlorine leaks, then breathing protection is not required at the pool facility.

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- (h) Chlorine gas cylinders must:
 - (i) Be stored only in designated chlorine rooms;
 - (ii) Have an approved valve-stem cylinder wrench on the valve stem to shut the system down in an emergency event;
 - (iii) Be properly secured to prevent tipping;
 - (iv) Be tagged to indicate cylinders are empty or full; and
 - (v) Not exceed one hundred fifty pounds tare weight per cylinder.

(i) Owners shall ensure that chemical disinfectants are not hand-fed into pools actively in use. *Exception*, chemical disinfectants may be hand-fed on an emergency basis if no users are in the pool and the pool is tested to meet water quality standards before reentry.

(j) If ozone is provided as a supplemental disinfection process:

(i) When ozone is produced by corona discharge method, the area where the ozone is produced shall meet the requirements of (e) of this subsection, unless field tests demonstrate no hazardous off-gassing of product;

(ii) When ozone is produced by ultraviolet light, it may be allowed in the mechanical room provided there are no levels of off-gassing exceeding 0.05 ppm;

(iii) Provide an ozone detector and alarm with corona discharge ozone generators;

(iv) Provide sufficient contact chambers to prevent excess levels of ozone from entering the pool water; and

(v) Testing equipment must be provided to monitor levels in the water and the atmosphere immediately above the water and the room where the ozone is produced.

(k) If copper or copper/silver is provided as a supplemental disinfection process:

(i) The output rate and method of controlling process levels into the pool facility must be provided;

(ii) The system shall not have a detrimental effect on maintaining proper turnover rates for the pool; and

(iii) Testing equipment provided to monitor levels of copper and silver in the pool water.

(18) Chemical feeding equipment for pH control: Owners shall provide chemical feed equipment for pH control, with a means of automatic shutoff if water flow is interrupted, for:

- (a) Swimming pools fifty thousand gallons or greater;
- (b) Spa pools ten thousand gallons or greater; and
- (c) All pools treated with caustic soda or carbon dioxide.

(19) Ventilation: Owners shall provide adequate ventilation (in conformance with ASHRAE standards for pools and decks) to maintain air quality and to prevent moisture buildup in indoor areas. Design considerations must include maintaining negative pressure in the pool and deck area; providing adequate total airflow for acceptable air distribution; and preventing short-circuiting of fresh air return to exhaust.

(20) Locker room and dressing rooms:

(a) Owners shall provide general use pool facilities with locker rooms and dressing rooms having:

(i) Separate facilities for each gender constructed to block line of sight into locker rooms;

(ii) Water impervious nonslip floors properly sloped to drains to prevent standing water;

(iii) Easily cleanable walls, lockers, and benches (if provided);

(iv) Junctions between walls and floors coved for ease of cleaning; and

(v) Properly anchored lockers, (if provided), to prevent tipping.

(b) Owners shall provide limited use pool facilities with locker or dressing rooms meeting the requirements of (a) of this subsection if the pool facilities are located more than one-quarter mile from any served living units.

(c) Owners shall provide general use recirculating spray pool facilities with locker or dressing rooms meeting the requirements of (a) of this subsection if the pool facilities are located indoors.

(21) Restrooms, shower rooms, and plumbing fixtures:

(a) Owners shall provide general use pool facilities with restroom and shower room facilities having plumbing fixture types and numbers as described in Table 031.1 of this section (swim and wading pool bathing loads and spa bather capacity are additive for determining total bather load). The pool facility design shall provide users easy access to restroom and shower facilities with minimum nonuser cross traffic.

(b) Owners shall provide general use pool facilities with:

(i) Hose bibs with vacuum breakers around pool decks at a maximum spacing of one hundred fifty feet; accessible to each locker room; and within equipment room at facilities fifteen hundred square feet or more;

(ii) A janitor's sink at indoor facilities with a pool of fifteen hundred square feet or more; and

(iii) An operable drinking fountain conforming to ASA requirements at facilities with a pool fifteen hundred square feet or more.

(c) Owners shall provide limited use pool facilities with:

(i) Restroom and shower room facilities having plumbing fixture types and numbers as described in Table 031.3 of this section, if bathing load exceeds eighty persons;

(ii) Restroom and shower room facilities having plumbing fixture types and numbers as described in Table 031.4 of this section, if bathing load is eighty persons or less;

(iii) Hose bibs around pool decks at a maximum spacing of one hundred fifty feet;

(iv) A hose bib accessible to each locker room; and

(v) A hose bib within each equipment room at facilities with a pool of fifteen hundred square feet or more.

Table 031.3

Restroom Minimum Requirements* for General Use Pools
(Includes swimming, spa, and wading pools**)

Amount of Fixtures Required for Occupancy Load by Sex		
TYPE OF FIXTURES	MALE	FEMALE
Toilets up to 120	1/60	1/40
From 121-360	1/80	1/60
Over 360 add	1/150	1/100
Urinal up to 120	1/60	N/A
From 121-360	1/80	N/A
From 360 add	1/150	N/A
Showers up to 120	1/40	1/40

Amount of Fixtures Required for Occupancy Load by Sex		
TYPE OF FIXTURES	MALE	FEMALE
From 121-360	1/60	1/60
Over 360 add	1/100	1/100
Sinks up to 200	1/100	1/100
From 201-400	1/200	1/200
Over 400 add	1/400	1/400
Diaper changing station	1	1

- * If sufficient supporting documentation is provided, restroom fixture numbers may be adjusted between the genders based on proposed use of the facility. (E.g., if the designer has experience and justification based on similar type facilities indicating that providing one additional shower for the women and one less for men would provide a sufficient number of fixtures to meet demands, this may be allowed.)
- ** If a general use spa or wading pool is the only pool at the facility, then a minimum of only one toilet, shower, and sink is required for each gender.

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Table 031.4
Restroom Minimum Requirements for Limited Use Pools
(Includes swimming, spa, and wading pools.)

POOLS WITH:	TOILETS	SHOWERS	SINKS	DRESSING ROOMS	DIAPER CHANGING STATION
Living units*within 100 feet and less than three stories	-	-	-	-	-
Living units > 100 feet but < 500 feet and less than 3 stories	1	1**	1	-	1
Living units within 1/4 mile and/or with three or more stories	1	1	1	-	1
Living units greater than 1/4 mile	1(M) 1(F)	1(M) 1(F)	1(M) 1(F)	1(M) 1(F)	1(M) 1(F)

- * "Living units" means all the units the facility serves.
- ** A shower is required only if a spa is present.

(d) Owners shall provide general use recirculating spray pool facilities with:

- (i) Separate restroom facilities for each sex containing at least one toilet and handwashing sink;
- (ii) Hose bibs around pool decks at a maximum spacing of one hundred fifty feet; and
- (iii) Additional plumbing fixtures, if indoors, conforming to the requirements for general use pools described in Table 031.1 of this section.

(e) Owners shall provide limited use recirculating spray pool facilities with:

- (i) Hose bibs around pool decks at a maximum spacing of one hundred fifty feet; and
- (ii) A restroom facility containing at least one toilet and one handwashing sink, if living units served are farther than one hundred feet away from the main pool.
- (f) Restroom facilities must be located convenient to, and no further than one hundred feet away from, the main pool. They must have flush toilets provided with toilet tissue in dispensers and handwashing sinks including:

- (i) Hot and cold or tempered water delivered through a mixing faucet with a maximum temperature of one hundred twenty degrees Fahrenheit;
- (ii) Single service soap in a nonglass dispenser;
- (iii) Single service towels or electric hand dryer; and

(iv) A minimum running water cycle of at least ten seconds if the faucets have self-closing valves.

(g) Shower facilities must be located convenient to, and no more than one hundred feet away from, the main pool. The facilities must have:

- (i) A design allowing a full-body shower in the nude;
- (ii) A design providing an enclosure confining water to the shower area;
- (iii) Non-slip floor impervious to water with sufficient drains to prevent water from standing within the shower areas;
- (iv) Running water delivered at a temperature between ninety degrees and one hundred twenty degrees Fahrenheit;
- (v) Single service soap in a nonglass dispenser; and
- (vi) Wall surfaces impervious to water up to shower head height.

(h) If owners limit the number of bathers within their facility and post and enforce the maximum bather load, owners may base the number of required plumbing fixtures on the posted maximum bather load.

(i) Owners shall dispose of all wastewater in a manner approved by the local health officer.

(22) **Diaper changing stations:** Owners shall provide a diaper changing station, including a handwashing sink conforming to the requirements in subsection (21)(f) of this sec-

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tion, accessible to all bathers, if children in diapers are allowed in the pool facility and the facility is:

- (a) A general use pool facility; or
- (b) A limited use pool facility located more than one hundred feet away from living units served.

(23) **Lighting:** Owners shall design and maintain pool facility lighting to a minimum level as described in Table 031.5. Sufficient overhead and underwater lighting shall be maintained to clearly see the bottom of the pool at all times pool is in use. Owners shall provide protective shielding for all lighting fixtures above walking surfaces and pool areas.

Table 031.5*

Minimum Lighting Level Required at Water Recreation Facilities.

Location	Minimum Lighting Level
Indoor pool surface	30 foot candles
Outdoor pool surface*	10 foot candles
Pool Decks	10 foot candles
Locker rooms and mechanical rooms	20 foot candles

* Outdoor pool facilities, which are used in daylight hours only (before dusk) are not required to meet this standard.

(24) **Flow-through pools:** Flow-through pools may qualify for exceptions to recirculation if:

- (a) Water supply is sufficient to provide the same turn-over period specified for recirculation pools;
- (b) The source water supply meets acceptable quality requirements and is subject to a disinfection method as described under WAC 246-260-111(3);
- (c) The introduction of fresh treated pool water is accomplished by the same type of inlet and outlet design required for recirculation pools; and
- (d) The pool water quality complies with WAC 246-260-111.

NEW SECTION

WAC 246-260-041 Swimming pool design, construction, and equipment. For more general design, and construction requirements that pertain to all pools, see WAC 246-260-031.

(1) **Location.** Owners shall ensure pump houses, planters, balconies, landscape features, trees, and structures are located fifteen feet or more horizontally away from any swimming pool, or provide barriers or other means to prevent diving or ready access to a pool from the structures. These structures do not include:

- (a) Building walkways above the second story;

- (b) Inaccessible roofs eight feet or more in height; or
- (c) Any barriers provided to prevent unauthorized pool access (e.g., fencing).

(2) **Walking deck surfaces.** Owners shall design and maintain walking deck surfaces as follows:

(a) For pools less than fifteen hundred square feet, walking deck surfaces must be at least four feet wide around the entire perimeter of pools;

(b) For pools less than fifteen hundred square feet, walking deck surfaces must be at least:

- (i) Six feet wide at the shallow end of a variable-depth pool; and
- (ii) Six feet wide on a minimum of twenty-five percent of the deck space of free form pools.

(c) For pools fifteen hundred square feet or larger, walking deck surfaces must be at least six feet wide:

- (i) Around the entire perimeter of outdoor pools;
- (ii) On fifty percent of the perimeter of indoor pools; and
- (iii) The remaining fifty percent perimeter of the indoor pool must be a minimum of four feet wide.

(d) For pools fifteen hundred square feet or more, walking deck surfaces must be at least sixteen square feet per bather. To determine maximum bather load see subsection (10) of this section. If the owner provides maximum facility occupancy loading less than that of subsection (10) of this section, and the occupancy limit is posted and enforced, that loading may be used in lieu of the maximum bather load figure as described under subsection (10) of this section; and

(e) General use pools may not have sand and grass areas within the pool enclosure unless these areas are separated to prevent direct access from the pool area and the facility provides a means for cleansing bather's feet before reentering the pool and deck area.

(3) **Pool general floor and wall dimensional design.**

(a) Owners shall ensure pool dimensional designs for floors and walls provide for safety, circulation and quality of water;

(b) Pool floors must have uniform slopes with:

(i) A maximum slope of a one-foot drop in twelve feet of run at pool depths to five or less in pools fifteen hundred square feet or more; and

(ii) Floor slopes not intruding into the area designated as the diving envelope.

(c) Pool sidewalls may not curve or intrude into the pool beyond the vertical more than twelve inches at three and one-half feet and eighteen inches at a depth of five feet. The radius of curvature of wall-floor junctions may not exceed the maximum radius designated in Table 041.2 of this section for depths over five feet. Vertical means walls not greater than eleven degrees from plumb:

Table 041.1

Maximum Radius Coving or Pool Intrusion Dimensions Between Pool Floor and Wall*

POOL DEPTH	3'	3'6"	5'	Greater than 5'
MINIMUM SIDEWALL DEPTH (Springline)	2'2"	2'6"	3'6"	At 3'6"
MAXIMUM RADIUS OF CURVATURE	10"	12"	1'6"	**Maximum radius equals pool depth minus the vertical wall depth

*Note: For pool depths falling between the depths listed, values can be interpolated.
For pool depths less than three feet and greater than five feet, values shall be extrapolated.
Radius of coping shall not intrude into pool within diving envelope.

(d) Pool configuration must have a transitional radius from wall to floor where floor slopes join walls so that:

(i) The center of the radius not less than the minimum vertical depth specified under Table 041.2 of this section below the water surface level;

(ii) The arc of the radius is tangent to the wall; and

(iii) The maximum radius of coping, or any intrusion into the pool wall/floor interface, is determined by subtracting the vertical wall depth from the total pool depth.

(4) **Ledges.** In new construction or alterations to existing construction, ledges are prohibited in swimming pool sidewalls, except as specified in WAC 246-260-091(3).

(5) **Specific design requirements for pools furnishing areas for diving.** Owners shall ensure areas designated for diving activities include a diving envelope meeting minimum requirements in:

(a) D-8.01, Table 1, APHA Public Pool Regulations, 1981, if the pool user would enter from the deck level twelve inches or less from water surface level.

(b) CNCA standard configuration in areas where user would enter from the deck level over twelve inches from water level, or has a platform or diving board provided at a height of less than one-half meter (twenty inches). This requirement is based on a standard described under CNCA publication *Swimming Pools: A Guide to Their Planning, Design, and Operation* 1987, Fourth Edition. Human Kinetics Publisher, Inc., Champaign, Illinois, Figure 8.1; or

(c) Dimensions for Diving Facilities, FINA facility rules, 2000-2001, if the pool user enters from the diving board or platform at a height of twenty inches (one-half meter) or greater from water surface level.

(6) **Pool appurtenances.**

(a) If a swimming pool contains diving boards and/or diving platforms, owners shall ensure that the boards and platforms:

(i) Are installed according to manufacturer's instructions;

(ii) Have slip-resistant tread surfaces;

(iii) Have steps and ladders leading to diving boards with handrails; and

(iv) Are protected with guardrails and one intermediate rail, both extending at least to the water edge when one meter or more above the water.

(b) Owners shall ensure starting blocks:

(i) Are firmly secured when in use; and

(ii) If water depth is less than nine feet, starting blocks must be removed or covered with protective equipment unless used by competitive swimmers trained in proper use of starting blocks.

(c) Owners shall ensure that water slides conform with requirements of chapter 246-262 WAC.

(7) **Turnover.** Owners of swimming pools shall design and maintain water treatment recirculation rates to completely turn over the entire pool water volume of pool in six hours or less.

(8) **Pool depth markings.** Owners shall provide water depth markings in feet:

(a) Located on the pool vertical wall at or above the water level so as to be easily readable from the water, in numbers at least two inches high. If overflow channels do not allow for placement of vertical wall markings above the water level, they are not required;

(b) Located on the horizontal surface of pool coping or deck of pools within eighteen inches of the water's edge, easily readable while standing on the deck facing the water, in numbers at least four inches high;

(c) Placed at the maximum and minimum water depths and at all points of slope change;

(d) Spaced at increments of water depth of two feet or less;

(e) Spaced along sides of pools at horizontal intervals of twenty-five feet or less;

(f) Arranged uniformly on both sides and ends of pool;

(g) Placed on all major deviations in shape;

(h) Applied in a contrasting color; and

(i) Made of slip-resistant material on decks.

(9) **Safety line or marking line.**

(a) Owners shall provide either safety float lines or marking lines separating areas where the pool bottom breaks from a uniform slope in the shallow area leading to deeper water. Neither float lines or marking lines are required in pools with uniform floor slopes not exceeding one foot of slope for every twelve feet of horizontal floor length.

(b) Safety float lines, when used, must:

(i) Be kept in place at all times, except when the pool is used for a specific purpose such as lap swimming or competitive use;

(ii) Be placed one foot toward the shallow end away from the break point line;

(iii) Be strung tightly allowing bathers to hold onto the line for support;

(iv) Provide floats on the line at a minimum distance of every four feet; and

(v) Have a receptacle for receiving the safety line either recessed into the wall or constructed so as not to constitute a safety hazard when the safety line is removed.

(c) Marking lines, when used, must:

(i) Be placed on pool sides and bottoms at the break point line; and

(ii) Be of a contrasting color to the background color of the pool sidewalls and floor.

(d) In pools with uniform slopes not exceeding one foot of drop in twelve feet of run from the shallow end to the deep end, a safety float line or marking line is not required.

(10) **Bather load.** Owners shall ensure maximum number of bathers in the pool facility at any one time do not exceed a number determined by the formula noted under Table 041.2.

Table 041.2
Swimming Pool Maximum Bathing Load*

Type of pool	Value A (**SF Shallow (5 ft. or less))	Value B (SF Deep (> 5 ft.))	Maximum bather load Value A + B
Indoor	SF/25	SF/30	
Outdoor	SF/15	SF/30	

- * This formula will be used in determining certain features of pools as noted elsewhere in these rules and regulations.
- ** SF means square feet of surface area.

(11) **Emergency equipment.** Owners shall provide first aid and have emergency equipment readily available at swimming pool facilities during operating hours, including:

- (a) A telephone within the facility for general use pools;
- (b) A telephone accessible within one minute for limited use pool facilities;
- (c) A suitable area to accommodate persons requiring first-aid treatment;
- (d) A standard 16-unit first-aid kit (see Appendix C, Table); and
- (e) A blanket reserved for emergency use.
- (f) For facilities with lifeguards:
 - (i) A rescue tube or rescue buoy at each pool lifeguard station; and
 - (ii) A backboard with means to secure a victim to a board and immobilize head, neck, and back.
- (g) For pool facilities without lifeguards:
 - (i) A reaching pole at least twelve feet long with a double crook life hook;
 - (ii) A reaching pole at least twelve feet long for every fifteen hundred square feet of pool surface area; and
 - (iii) A throwing buoy, throw-rope bag, or other similar device with a rope the width of the pool or fifty feet long, whichever is less, for reaching and retrieving a victim.
- (h) No later than June 1, 2008, owners of existing pools with single main drains shall install emergency equipment to shut off all pumps hooked to the recirculation lines for the pools. This emergency equipment must be placed within twenty feet of the pool and marked with an emergency shut-off sign. The shutoff switch must include an audible alarm which can be heard by those in the area, or have an alarm that goes to a point where staff is always present during the periods the pool is open.
 - (i) Pools providing dual main drains meeting the requirements of this section, or other acceptable methods of providing equivalent protection to the emergency shutoff switch, are exempt from this requirement.
 - (ii) The owner shall check the shutoff switch at least twice annually to determine it is properly operating.

(iii) The department will develop a guidance document to aid owners and designers in potential options to the emergency shutoff switch and audible alarm.

(12) **Foot baths.** Foot baths at water recreation facilities are prohibited. This does not preclude the construction and use of foot showers, if the area is well drained.

NEW SECTION

WAC 246-260-051 Spa pool design, construction, and equipment. For more general design, and construction requirements that pertain to all pools see WAC 246-260-031.

(1) **Walking surfaces.** Owners shall design and maintain walking surfaces four feet or more wide around fifty percent or more of each spa pool. If spa pools are greater than one hundred square feet in surface area, then the entire perimeter must have a four-foot wide walking surface. If a spa has walking surfaces thirty inches or more in height above the floor, then they must have guardrails that conform with UBC codes.

(2) **Spa pool structure.** Owners shall ensure spa pool facilities have:

- (a) White or light color surfaces, if a pool is one hundred square feet or more;
- (b) Uniform floor slopes not exceeding one foot of drop in twelve feet of run sloped to drain;
- (c) A minimum height of seven feet between the top of the pool rim and the ceiling;
- (d) A maximum operational depth of four feet measured from the water line, except for special purpose designed pools; and
- (e) Heater thermostat switches inaccessible to bathers.

(3) **Spa capacity.** The spa capacity is the maximum number of persons allowed in the spa pool at any one time and is the most restrictive of the following:

- (a) The number of bathers able to be in the spa pool allowing ten square feet or more of water surface for each bather;
- (b) Maximum bather load as calculated using the formula in subsection (4) of this section; or
- (c) The capacity of the overflow system when using skimmers must be adequate to handle twenty gallons of displacement per bather.

(4) **Turnover rate and bather load.** Owners shall design and maintain water turnover of spa pool volume divided by turnover time divided by a constant (K). Spa turnover times are established in relation to loads as follows:

- (a) Ten minutes for heavily loaded;
- (b) Twenty minutes for moderately loaded;
- (c) Thirty minutes for lightly loaded; and
- (d) Sixty minutes for swim spas having very light loads.

Factors for Determination of Spa Loading

Spa Volume	Turnover Time (options are 10, 20, 30, or *60 minutes)	Constant K ₁₀ (10 minute turnover time) 8 gpm/person	Constant K ₂₀₊ (20, 30, or *60 minute turnover time) 6.67 gpm/person
Value A	Value B	Value K ₁₀	K ₂₀₊

* 60 minute turnover times are established for swim spa facilities.

PROPOSED

$$\frac{(\text{Value A})}{(\text{Value B})} + (\text{Constant K}^*) = \text{Maximum spa capacity}$$

* Choose K based on turnover of the spa.

(5) **Emergency equipment.** Owners shall provide easily accessible first-aid and emergency equipment at all spa pool facilities during operating hours, including:

- (a) A telephone within the facility for general use spa;
- (b) A telephone within one-minute access for limited use spa pools;
- (c) A standard sixteen-unit first-aid kit;
- (d) A blanket reserved for emergency use; and
- (e) A clearly marked emergency shutoff switch for turning off all pumps. The switch must be within twenty feet of each spa, accessible to the public, and triggering an audible alarm.

NEW SECTION

WAC 246-260-061 Special design and construction provisions for hotels and motels (transient accommodations) serving fewer than fifteen living units and for spas in individual hotel/motel rooms. (1) Owners are exempt from the requirements for design, construction, and equipment in WAC 246-260-031 and 246-260-051 for spa pools at limited use facilities serving less than fifteen living units, except for requirements listed in this section. Owners shall also ensure that chemicals are stored in a manner to minimize safety risks.

(2) The requirements in WAC 246-260-031 (1), (2), (3), (4), (5), (6), (8)(b), (d)(iii), (d)(v), (e), (9), (10), (15), (16), (17), and Table 031.2 apply to prefabricated spa pools at limited use facilities serving less than fifteen living units.

(3) The requirements in WAC 246-260-051 (2)(b), (d), (e), (4), (5)(b), (c), and (e) apply to prefabricated spa pools at limited use facilities serving less than fifteen living units.

(4) Spa pools that are drained, cleaned and refilled between patron use in individual hotel/motel rooms are exempt from these requirements. Spas that are not drained, cleaned and refilled between use shall at least:

- (a) Conform with WAC 246-260-031(4) on barriers beyond the room itself, such that the guest room plus any associated lanai or deck may be considered an enclosure unit.
- (b) Conform with WAC 246-260-031(17) on disinfection equipment and conform with water quality requirements of WAC 246-260-111 for disinfection and pH.

NEW SECTION

WAC 246-260-071 Wading pool design, construction, and equipment. For more general design and construction requirements that pertain to all pools, see WAC 246-260-031.

(1) **Walking surfaces.** Owners shall design and maintain pool walking surfaces:

- (a) Four feet or more wide; and
- (b) With a surface area of sixteen square feet per bather at the facility with both a swimming pool and wading pool when swimming pool is fifteen hundred square feet or more.

(2) **Wading pool floor and wall dimensional design.** Owners shall ensure pool dimensional designs for floors and walls provide for bather safety and do not hinder water circulation and quality. Designs must include:

- (a) Coved at the intersection of walls with floors; and
- (b) Uniform pool floor slopes not exceeding one foot of drop in twelve feet of run.

(3) **Wading pool entry and exit.** Owners shall provide one or more means of entry and exit on all pools including one of the following:

- (a) Stairs including:
 - (i) Nonslip tread finish;
 - (ii) Contrasting color stair tread edges;
 - (iii) Handrails having leading edges less than eighteen inches beyond and less than eight inches inside (horizontally) the vertical plane of the bottom riser;
 - (iv) Riser treads with a minimum unobstructed, horizontal, ten-inch tread depth and minimum two hundred forty square inches of surface area; or
 - (v) Riser height uniform and seven and one-half inches or less, except last step leading into pool may be less than uniform height;
- (b) Shallow pool entry must be seven and one-half inches or less in depth;
- (c) Ramp entry into the pool must meet the following construction requirements:
 - (i) A handrail extending over the deck edge and extending to the bottom of the ramp for entering and leaving the wading pool;
 - (ii) Ramp edges protruding into the pool of contrasting color; and
 - (iii) Ramp slope not to exceed one foot in twelve feet.

(4) **Turnover.** Owners shall ensure wading pools turn over the entire pool water volume in three hours or less. If wading pools are recirculated jointly with swimming pools, proper means to ensure efficient turnover and treatment of the wading pool must be maintained.

(5) **Pool depth markings.** Owners shall provide easily visible depth markings:

- (a) Measured in feet or inches;
- (b) Located on the coping or deck within eighteen inches of the water's edge and positioned to be readable while standing on the deck facing the water;
- (c) Made of slip resistant material;
- (d) Placed at the maximum and minimum water depths;
- (e) Spaced at intervals not exceeding twenty-five feet;
- (f) Uniformly arranged on both sides and ends of the pool; and
- (g) In numbers a minimum of four inches high.

(6) **Bather load.** Owners shall provide each bather in a wading pool facility with seven square feet or more of water surface area at all times.

(7) **Emergency equipment.** No later than June 1, 2008, owners of existing pools with single main drains shall install emergency equipment to shut off all pumps hooked to the recirculation lines for the pools. This emergency equipment must be placed within twenty feet of the pool and marked with an emergency shutoff sign. The shutoff switch must include an audible alarm which can be heard by those in the area, or the switch must have an alarm that goes to a point

where staff is always present during the periods the pool is open.

(a) Pools with dual main drains meeting the requirements of this section, or other acceptable methods of providing equivalent protection to the emergency shutoff switch, are exempt from this requirement.

(b) The owner shall check the shutoff switch at least twice annually to determine it is properly operating.

(c) The department will develop a guidance document to aid owners and designers in potential options to the emergency shutoff switch and audible alarm.

NEW SECTION

WAC 246-260-081 Spray pool design, construction, and equipment. For more general design and construction requirements that pertain to all pools, see WAC 246-260-031.

(1) **Walking surface.** A minimum four-foot wide walking surface shall extend around the perimeter of a spray feature sufficient that the spray will not exceed the walkway area in normal conditions including light wind conditions.

(2) **Pool structure.** Owners shall ensure each spray pool has:

(a) Pool surfaces with nonslip finishes impervious to water;

(b) Uniform pool floor slopes not exceeding one foot of a slope for every twelve feet of horizontal floor length;

(c) A source of water for the spray feature from an approved potable water supply;

(d) Water drained to waste disposed in a manner approved by local authorities or the department after use in the spray pool, unless it is recirculated with approved treatment as described in WAC 246-260-031; and

(e) The entire volume of water circulated through an approved treatment system every thirty minutes or less if water is recirculated.

(3) **Inlets and outlets.** Owners shall ensure spray nozzles at each spray pool are designed and maintained to not inflict physical damage to bathers. Design and construction shall include evaluation of forces of the spray nozzle including velocity, pressure and total force in proximity to bathers' eyes and other body orifices.

(a) Owners shall ensure outlet drains and recirculation drains are designed and maintained to provide sufficient capacity to prohibit water accumulation in each spray pool.

(b) Outlet drains in each spray pool must:

(i) Be located at the low point of the pool;

(ii) Have two or more main drains;

(iii) Have openings that prevent the passage of a sphere over one-half inch in diameter;

(iv) Have drain grates that withstand forces of users; and

(v) Have drain grates removable only with specific tools.

(c) Outlet drains to each spray pool recirculating pump, must have:

(i) A total open grate area sized to prevent a suction hazard dangerous to users;

(ii) A maximum flow of one and one-half feet per second, or net grate area of outlet four times or more the discharge pipe area; and

(iii) Manifolding a minimum of three feet apart where drains are piped directly to a pump.

(4) **Emergency equipment.** No later than June 1, 2008, owners of existing pools with single main drains shall install emergency equipment to shut off all pumps hooked to the recirculation lines for the pools. This emergency equipment must be placed within twenty feet of the pool and marked with an emergency shutoff sign. The shutoff switch must include an audible alarm which can be heard by those in the area, or the switch must have an alarm that goes to a point where staff is always present during the periods the pool is open.

(a) Pools that include dual main drains meeting the requirements of this section, or other acceptable methods of providing equivalent protection to the emergency shutoff switch, are exempt from this requirement.

(b) The owner shall check the shutoff switch at least twice annually to determine it is properly operating.

(c) The department will develop a guidance document to aid owners and designers in potential options to the emergency shutoff switch and audible alarm.

NEW SECTION

WAC 246-260-091 Specialty design features. (1) Owners providing special features shall ensure the features meet the requirements of this section.

(2) **Benches.** A single bench or seat that is recessed from the general wall of the swimming pool may be built into the shallow area of the pool, if it meets the following conditions. The bench: (See figure 091.1.)

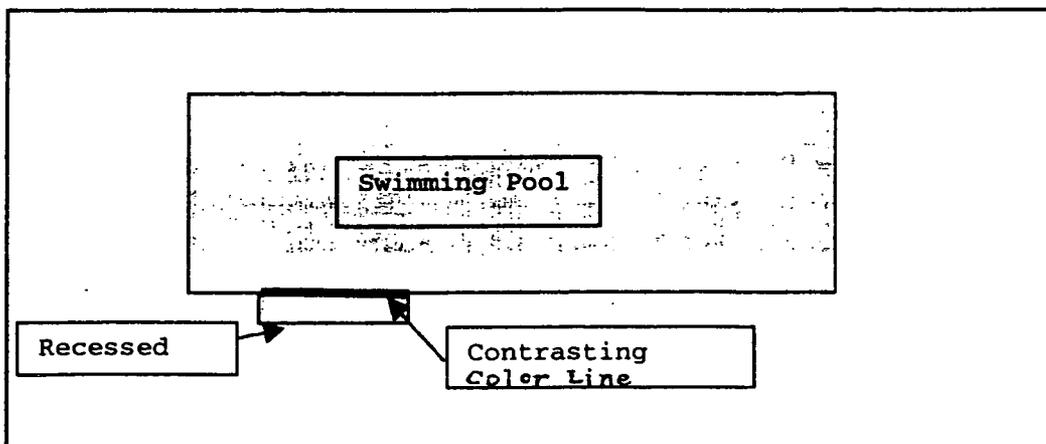
(a) May not be located in an area that is used for lap swimming;

(b) May not exceed twenty percent of the length of the side it is located on or five percent of the perimeter of a free form pool;

(c) Must have a minimum two-inch or wider durable continuous line of a contrasting color on the top and side of the bench edge, so as to be readily visible to persons standing on the deck and persons swimming in the water; and

(d) The area of the deck above the bench must be labeled in nonslip lettering at least four inches high: "NO DIVING."

FIGURE 091.1
Bench



PROPOSED

(3) **Ledges.** In general use swimming pools, a single ledge may be built into the deep end of the pool, if:

- (a) The ledge construction conforms with FINA facilities rules, 2001-2002, Swimming Pools, FR2.4.2;
- (b) The ledge is in a contrasting color from the rest of the pool for easy visibility.

(4) **Waterfalls.** A waterfall feature may be built at swim pool or spa pool facilities if the following conditions are met:

- (a) If located in or adjacent to shallow swimming pool water levels, it must be set back from the edge of the pool a distance specified in Table 091.2; exceptions may be made for lifeguarded pools;
- (b) If located at, or adjacent to, deep swimming pool water levels, it will be considered a diving platform and the

adjacent pool area must conform to diving envelope design specified in WAC 246-260-041(3);

- (c) Minimum walkway areas required in other sections of this chapter must be maintained around pools;
- (d) Water in waterfalls that commingles with pool water must meet water quality and treatment requirements specified in other sections of this chapter and any additional disinfection required by the department or local health officer to address anticipated increased demands and aerosolization of disinfectant;
- (e) Flows may not create turbulence that might create a safety hazard or reduce visibility in the pool; and
- (f) Waterfalls that flow from pool sidewalls may not exceed five percent of the total pool perimeter.

Table 091.2

Set-Back Requirements for Special Water Features in Pools at Shallow Swimming Pool Water Levels*

Height of Feature Above Pool Water Level	Type of Special Feature		
	Waterfall	Rockery	Planting
12 inches or less	Feature may spill directly to pool from sidewall	Setback of 4 feet or more from pool edge; except at pools that are continuously lifeguarded. Five percent of deck perimeter may have feature provided up to pool edge.	Setback of 4 feet or more from pool edge.
Greater than 12 inches and less than 30 inches	Setback of 8 feet or more from pool edge.		
Greater than or equal to 30 inches	Setback of 15 feet or more from pool edge.		

* Guarded pool setbacks shall be established in a preconstruction design conference with the owner, designer and health department.

(5) **Rockeries.** A decorative rock feature may be built at a swim pool or spa pool facility, if the following conditions are met:

- (a) If located adjacent to shallow swimming pool water, it must be set back from the edge of the pool a distance specified in Table 091.2; exceptions may be made for lifeguarded pools;

(b) If located at or adjacent to deep swimming pool water levels, it will be considered a diving platform and the adjacent pool area must conform to diving envelope design specified in WAC 246-260-041(3);

- (c) The design has a nonslip surface without sharp or cutting edges in any areas that provide a potential foothold, stepping or standing access; and

(d) It slopes to drain water away from the pool.

(6) **Play toy equipment.** Play toy equipment may be built at pool facilities provided the following conditions are met:

(a) Can only be used in lifeguarded pools;

(b) It must comply with the requirements of chapter 246-262 WAC;

(c) Its design conforms to ASTM standard F1292 including establishing fall zones;

(d) Surfaces must be easily cleanable;

(e) It must be operated in accordance with a written plan of operation developed by the owner, addressing placement of the toy, protection from falls, entrapment, entanglement of bathers from each other, and visibility of users to lifeguards; and

(7) **Special use pools.** At least thirty days prior to development of final plans and specifications, owners shall submit proposals at a preliminary design conference for pools designed for special use purposes (e.g., scuba training, kayaking, portable rental spas, sensory deprivation tanks, public promotions at sports fields, county fairs, and any special events using portable pools) to the department or local health officer for review and approval. The department or local health officer has flexibility in applying portions of this chapter or additional requirements necessary to assure health and safety for users of these special use pools.

(8) **Ballet rails.**

(a) Owners may install ballet-type rails on pools having uses limited to exercise and training;

(b) Owners may install ballet-type rail on general or limited use pools, if:

(i) The rail is inset into the wall to preclude any obstructions in the pool; and

(ii) The rail is removable and covers are provided and used to maintain a flush surface in general use pools.

POOL OPERATION REQUIREMENTS

NEW SECTION

WAC 246-260-101 Operating permit. (1) A person may not operate a WRF without a current operating permit, issued by the department or local health officer.

(2) To obtain an operating permit, owners of a WRF shall provide the department or local health officer information showing the WRF is in compliance with this chapter.

(3) Operating permits are:

(a) Valid for one year;

(b) Subject to annual renewal; and

(c) Nontransferable without written department or local health officer consent. For purposes of this section, a change in management of a corporation, partnership, association, or other nonindividual business entity creates a new person requiring either consent for a permit transfer or issuance of a new permit upon proper application.

(4) The department or local health officer issuing the operating permit may revoke or suspend the permit if the WRF is not operating in accordance with chapter 70.90 RCW or chapter 246-260 WAC.

NEW SECTION

WAC 246-260-111 Water quality standards, analysis, and sample collection. (1) **Contamination.** Owners shall maintain water free from harmful levels of disease producing organisms, toxic chemicals, or adverse physical conditions.

(2) **Bacteriological standards.** Owners shall maintain WRF pool waters to meet the following standards of bacteriological quality:

(a) Heterotrophic plate counts may not exceed two hundred bacteria per milliliter in two consecutive tests;

(b) Total coliform may not exceed an average of one coliform per sample of one hundred milliliters in two consecutive tests when using the membrane filter test; and

(c) Total coliform may not exceed 2.2 bacteria per sample of one hundred milliliters of water in two consecutive samples when using the most probable number (MPN) method.

(3) **Disinfection.**

(a) Owners shall maintain continuous disinfection of WRF pool water at all times by using:

(i) Chlorine or bromine concentrations specified in Table 111.1 of Appendix A;

(ii) Ozone may be used as a supplement to primary disinfection, but not a replacement.

(A) Minimum levels of primary disinfectant (chlorine or bromine) may not be less than required minimums.

(B) Ozonator units must meet the requirements of NSF standard 50 and be listed by NSF or an equivalent laboratory testing to NSF standard 50 and providing readily available listing.

(C) Maximum levels of ozone that can be produced by ozone generating device in the atmosphere above the pool water or the room where ozone is generated may not exceed 0.05 ppm.

(iii) Copper or copper silver disinfection processes may be used as a supplement to primary disinfection, but not a replacement.

(A) Minimum levels of primary disinfectant (chlorine or bromine) may not be less than required minimums.

(B) Copper or copper/silver disinfection units must meet requirements of NSF standard 50 and be listed by NSF or an equivalent laboratory testing to NSF standard 50 and providing readily available listing.

(C) Maximum levels of copper that can be produced in the pool water are 1.0 ppm copper and 0.05 ppm of silver; or

(iv) An alternative disinfectant registered with EPA and WSDA.

(b) Any primary or supplemental alternative disinfectant shall be used in conformance with guidelines established by the department and NSF standard 50.

(c) Alternative disinfectants must be evaluated using EPA document "Guide Standard and Protocol for Testing Microbiological Water Purifiers" by Campt and Cotruvo, EPA, April, 1986.

(4) **Chemical and physical quality.**

(a) Owners shall maintain physical and chemical conditions in WRF pool water within the ranges specified under Table 111.2 of Appendix A;

(b) Owners shall maintain cleanliness of WRF pool water by:

(i) Closing an affected WRF pool when contaminated with feces, blood, vomit, sewage, or other hazardous or unknown material until the area is clean, disinfected, and free of the hazardous material;

(ii) Daily removal of scum or floating material on the pool water surface;

(iii) Continuous removal of scum or floating material by overflow action of pool water with flotsam screened and filtered; and

(iv) Maintaining sanitary walking surfaces.

(5) **Laboratory sampling and testing.** Water samples for laboratory analyses required by this chapter must be:

(a) Analyzed in accordance with the twentieth edition of standard methods for the examination of water and waste/water analysis, published jointly by the American Public Health Association/Water Pollution Control Federation and AWWA;

(b) Collected in bottles approved by the local health officer;

(c) Collected and transported by procedures specified in standard methods listed in (a) of this subsection; and

(d) Analyzed at a laboratory approved by the local health officer.

(6) **Field testing.** Owners shall have and use field-test-equipment:

(a) To measure disinfectant residuals, pH, alkalinity, cyanuric acid (when used in pool) and any other chemicals routinely used in the pool water;

(b) To detect chlorine gas at pools where compressed chlorine gas is used, using commercial strength ammonia vapor; and

(c) With accuracy in the ranges of measurements specified in Table 111.3 of Appendix A.

(7) **Chemicals in pool.** Owners shall ensure addition of chemicals or materials to WRF pool waters occurs only when the use is accepted by the department or local health officer.

(8) **Additional tests.** Owners shall perform any additional tests of WRF pool water or air required by the department or local health officer to assure public safety.

NEW SECTION

WAC 246-260-121 Monitoring, reporting, and record keeping. (1) **Reporting death, injury, and illness.** Owners shall:

(a) Provide the department or local health officer with information requested regarding the investigation of an injury or illness associated with the WRF; and

(b) Notify the department or local health officer of a drowning, near drowning, death, serious injury or serious illness associated with the WRF within forty-eight hours after becoming aware of the occurrence.

(2) **Incidents.** Owners shall provide the department or local health officer with any information requested regarding the investigation of an incident creating a potential health or safety problem, for example, a chlorine gas leak.

(3) **Monitoring and record keeping.**

(a) Owners shall monitor the following water quality conditions of WRF pools and maintain records for a minimum of three years:

(i) Residual disinfectant concentration level frequently enough, but at least once every twenty-four hours, to determine that the residual is satisfactorily sustained to meet the requirements of WAC 246-260-111(3);

(ii) Hydrogen ion (pH) concentration frequently enough, but at least once every twenty-four hours, to determine that the level is maintained in a range of 7.2 to 8.0;

(iii) Alkalinity at least weekly;

(iv) If pool water temperature is over ninety-five degrees Fahrenheit, water temperature frequently enough, but at least once every twenty-four hours, to determine temperature does not exceed one hundred four degrees Fahrenheit; and

(v) If cyanuric acid or one of its derivatives is used in a pool, cyanurate level testing at least weekly and maintained at levels established in Table 111.2.

(b) Owners shall keep records for three years of:

(i) Quantities of all chemicals added to pool water each day;

(ii) Treatment system flow rates, measured at least daily; and

(iii) Any incidents of visible pool water contamination, for example, from vomit, feces, or blood.

(4) **Availability.** Owners shall make records required by this section available for department or local health officer review upon request.

NEW SECTION

WAC 246-260-131 Operation of water recreation facilities. (1) **Operation plan.** Owners shall ensure proper operation to protect the public health, safety, and water quality by establishing standard practices and developing a written operations manual addressing each of the following:

(a) Physical pool facility components and signage;

(b) Personnel;

(c) Users and spectators, including pool rules;

(d) Emergency response provisions;

(e) Diving during supervised swimming instruction into water depths recognized as adequate by the organization certifying the activity, such as ARC; and

(f) Environmental conditions.

(2) **Physical components.** Owners shall check each WRF's physical components routinely to ensure:

(a) Barrier protection, emergency equipment and structural facilities are properly maintained.

(b) Water does not pond on walking surfaces;

(c) Common articles provided for patrons, such as towels, bathing suits, bathing caps, etc., are sanitized before reuse;

(d) Sanitation items including toilet tissue, handwashing soap and single use towels or equivalent are maintained at facilities;

(e) Treatment of the water recreation pool facility occurs continuously at turnover rates required by this chapter twenty-four hours a day during periods of use;

(f) Swimming, spa, wading and spray pools shall be equipped with drain covers that are properly maintained, intact and secured to protect against entrapment.

(g) Extra filter cartridge provided for each cartridge filter.

(3) **Food service.** If food service is provided and allowed, the owner shall:

(a) Ensure food and beverage sale and consumption areas at general use pools are separated from pool and deck enclosure areas;

(b) Prohibit food and beverage in pool water at limited use pools and maintain a minimum four-foot clear area between pool edge and any tables and chairs provided for food service;

(c) Prohibit use of glass in pool facility and provide trash containers; and

(d) Prohibit the sale or consumption of alcohol at general use pools.

(4) **Spa and recirculating spray pool reservoir cleaning.** Owners shall routinely drain, clean and refill spa and recirculation spray pools at a minimum frequency specified by the following formula.

Spa or spray pool reservoir volume in gallons/3/average number of users per day = Number of days between draining, cleaning and refilling.

(5) **Signage for user rules.**

(a) Owners shall provide and maintain signage specifying user rules and safety information required by this section in a conspicuous place in the pool area with easily readable lettering at least three-eighths of an inch high. All swimming, spa and wading pool facilities must have signs stating pool rules:

(i) Prohibiting use by anyone running or participating in horseplay;

(ii) Prohibiting use by anyone under the influence of alcohol or drugs;

(iii) Prohibiting use by anyone with a communicable disease or anyone who has been ill with vomiting or diarrhea within the last two weeks;

(iv) Prohibiting anyone from bringing food or drink into the pool water;

(v) Requiring everyone to have a cleansing shower before entering the pool;

(vi) Requiring anyone in diapers to wear protective covering to prevent contamination;

(vii) Requiring diapers to be changed at designated diaper change areas;

(viii) Warning patrons that anyone refusing to obey the pool rules is subject to removal from the premises;

(ix) Directing patrons to the location of the nearest telephone and first-aid kit for emergency use;

(x) Advising patrons that anyone with seizure, heart, or circulatory problems should swim with a buddy; and

(xi) Where diving boards are used, provide signs for proper use.

(b) All swimming, spa, and wading pool facilities where lifeguards or attendants are not present shall have signs stating additional pool rules that:

(i) If a child twelve years of age or less is using the pool, a responsible adult eighteen years of age or older must

accompany the child and be at the pool or pool deck at all times the child uses the facility; and

(ii) If an individual between thirteen years of age and seventeen years of age is using the pool, at least one other person must be at the pool facility.

(c) All spa pool facilities must have signs stating additional pool rules:

(i) Cautioning that children under the age of six should not use a spa pool;

(ii) Cautioning that persons suffering from heart disease, diabetes, or high blood pressure should consult a physician before using a spa pool;

(iii) Cautioning that women who are or might be pregnant seek physician's advice regarding using a spa pool;

(iv) Cautioning everyone to limit the stay in the spa pool to fifteen minutes at any one session; and

(v) Posting the maximum bather capacity of each spa pool.

(d) All spray pool facilities must have signs stating pool rules as specified in (a)(i), (ii), (iii), (iv), (v), (vi), and (viii) of this subsection.

(6) **Required personnel.**

(a) Owners shall ensure appropriate personnel specified in this subsection provide monitoring at pool facilities.

(b) General use swimming pool facilities shall have lifeguards present at all times pools are in use; except:

(i) If swim or dive teams are facility users, the owner may allow substitution of a qualified coach properly credentialed by the sponsoring organization furnishing the swim or dive coach; and

(ii) Owners may substitute persons with Master Scuba Diver Trainer or Master Scuba Diver Instructor certification through PADI or SCUBA instructor, assistant instructor or divemaster through NAUI or other department-approved training in lieu of lifeguards for SCUBA training.

(iii) PADI or NAUI certified scuba instructing staff shall maintain the following conditions:

(A) Limit number of persons training to ten persons per instructor.

(B) Ensure all persons being instructed are monitored at all times while in the pool to ensure thirty-second response time can be provided.

(iv) Private club swimming pool facilities must have lifeguards present at all times persons sixteen years of age and younger are using the pool facilities, except:

(A) Attendants or shallow water lifeguards may supervise persons thirteen through sixteen years of age when these users are restricted to a pool depth less than or equal to five feet; and

(B) Attendants or shallow water lifeguards may supervise all persons sixteen years of age and under if the entire pool depth is less than four and one-half feet.

(c) If a spa or wading pool is in same enclosure as a swimming pool, all pools are subject to the most stringent monitoring personnel requirements applicable for any pool in the enclosure unless barriers that conform to WAC 246-260-031(4) restrict access between pools.

(d) The use of spas or wading pools not requiring lifeguards or attendants is subject to the following conditions:

(i) If the pool is used by children twelve years of age or under, a responsible adult eighteen years of age or older must accompany the children and be at the pool or pool deck at all times the children use the facility;

(ii) If the pool is used by persons seventeen years of age or under, a minimum of two people must be at the pool facility at all times the pool is in use;

(iii) The owner shall post the requirements of this subsection to assure the responsible person is notified of conditions for use of the facility.

(e) Limited use pool facilities must have an equivalent or greater level of supervision as specified for private clubs in (b)(iv) of this subsection during any times when activities are provided that put the pools into the category of general use pools.

(f) At limited use pool facilities, if alcohol is sold within the pool facility, the owner must provide a lifeguard or attendant at the pool area.

(g) All pool facilities must have a water treatment operator.

(7) Personnel duties and equipment.

(a) Owners shall ensure personnel are present at each WRF who perform duties specified in this subsection.

(b) Lifeguards, shallow water lifeguards and swim coaches shall guard assigned pool users and provide a rescue response time of thirty seconds or less.

(c) Attendants, if provided at pools not requiring lifeguards, shall oversee pool use by the bathers and provide supervision and elementary rescues such as reaching assists to bathers in need. This does not mean the person is qualified or trained to make swimming rescues.

(d) Owners shall notify responsible persons on the conditions for facility use at pools not requiring lifeguards and for which no lifeguards or attendants are present. A responsible person means a person having responsibility for overseeing users seventeen years of age or under including, but not limited to, a person:

(i) Renting an apartment, hotel, motel, RV camp, etc.; or

(ii) Who is an owner or member of a condominium, homeowner's association, fraternity, equity ownership facility, mobile home park, sorority, or private club with a pool facility.

(e) Water treatment operators shall assure the water treatment components of each WRF are functioning to protect health, safety and water quality.

(f) Owners shall ensure that lifeguards, shallow water lifeguards, swim coaches, and attendants:

(i) Wear a distinguishing suit/uniform, or emblem; and

(ii) Carry a whistle or equivalent signaling device.

(8) Personnel training.

(a) Owners shall ensure that pool personnel required by subsection (5) of this section have skills necessary for their duties, obtained by training and certification specified in Table 131.1 in Appendix B, or equivalent.

(b) Owners shall keep a copy at the WRF of each currently valid certification required for pool personnel.

(c) Owners shall ensure safety-monitoring personnel obtain continuing education needed to maintain lifeguarding skills and maintain valid certifications required by this subsection.

(d) If SCUBA or kayaking lessons are conducted at a pool, owners shall ensure that personnel monitoring these activities are trained to recognize special hazards associated with these activities.

(9) Emergency response plan.

(a) Owners shall prepare and implement emergency response plans specified in this subsection.

(b) In pool facilities where lifeguards, shallow water lifeguards, or swimming coaches are required by subsections (5) and (6) of this section:

(i) Sufficient qualified personnel must be present and appropriately located to provide a rescue response time of thirty seconds or less for all pool users;

(ii) The number and qualifications of personnel present must be based on factors dealing with pool depth, line of sight, bather load, potential emergency procedures, and personnel rotation;

(iii) Emergency response drills must be held two or more times each year to test whether thirty-second response time can be met; and

(iv) A record of each response drill must be kept at the WRF for three or more years.

(c) In pool facilities where lifeguards are not present, in accordance with subsection (5)(c) and (e) of this section, owners shall adopt rules, provide enforcement of conditions for pool use and notify users when first using facility and at least annually thereafter that conditions for use include:

(i) If a child twelve years of age or less is using the pool, a responsible adult eighteen years of age or older shall accompany the child and be at the pool or pool deck at all times the child uses the facility; and

(ii) If anyone seventeen years of age or less is using the pool, a minimum of two people shall be at the pool facility.

(d) Emergency equipment specified in WAC 246-260-041, 246-260-051, and 246-260-071 must be readily available during WRF operating hours.

(e) In facilities where chlorine gas is used:

(i) WRF personnel shall conduct annual emergency drills; and

(ii) The plan shall identify the location of accessible chlorine cylinder repair kits.

(f) Operators shall ensure that lifeguards, shallow water lifeguards, and swim coaches receive ongoing training of emergency response skills.

(10) Environmental conditions. Owners shall monitor various environmental conditions affecting the facility or potentially affecting the health and safety of users. Owners shall close the WRF or take other appropriate action in response to adverse environmental factors, (e.g., electrical storms, fog, wind, and visibility problems) to ensure that the health and safety of users are protected.

(11) Closure. Owners shall close the facility when the facility presents an unhealthful, unsafe, or unsanitary condition. These conditions include lack of compliance with the water quality or an operation requirement in this section or in WAC 246-260-111.

NEW SECTION

WAC 246-260-141 Water recreation facility pools not in operation. (1) Owners of pool facilities that are not in operation shall prevent access to the facility by means of locked barriers.

(2) If a pool enclosure area has one pool open and another closed (e.g., seasonal pool, year-round spa), the owner shall ensure that the pool that is closed:

(a) Is posted with signage stating that the pool is closed; and

(b) Meets water clarity standards as outlined in Table 111.2 in WAC 246-260-111; or

(c) Is covered with a safety cover meeting ASTM standard F1346-91 and not allowing access to the pool.

(d) Does not create a nuisance or disease hazard.

(3) All pool covers must be completely removed during periods when the pool is open for use.

(4) If a pool that is closed develops an ice layer, the owner must install a safety cover meeting ASTM standard F1346-91 or the entire pool enclosure area must be closed.

(5) If a pool facility is not in operation for more than twelve months, the owner shall provide a safety cover over the pool meeting ASTM standard F1346-91 or the owner shall back fill the pool.

NEW SECTION

WAC 246-260-151 Restrictions on animals. Owners shall prevent animal access to the WRF pool, except service animals in the deck area accompanying users or spectators requiring them. A service animal is defined in RCW 70.84-.021 and means an animal that is trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability.

ADMINISTRATIVE RULESNEW SECTION

WAC 246-260-171 Compliance. (1) Except as provided in subsections (2), (4), and (5) of this section, existing water recreation facilities with approved plans prior to July 26, 1987, that do not fully comply with the design, construction, and equipment requirements in WAC 246-260-031, 246-260-041, 246-260-051, 246-260-061, 246-260-071, and 246-260-081 may be continued in use.

(2) Owners of all facilities shall comply with the operational requirements in WAC 246-260-101 through 246-260-151.

(3) Owners of facilities designed and constructed after the effective date of these regulations shall comply with all applicable sections of the design, construction and equipment requirements in WAC 246-260-021 through 246-260-091.

(4) Facilities constructed prior to the effective date of these regulations shall comply with the barrier protection requirements in WAC 246-260-031 (4) and (5) and the emergency equipment requirements established in WAC 246-260-041 (11)(g); 246-260-071(7); and 246-260-081(4) by the compliance deadlines specified in the regulations. Barrier modifications or emergency shutoff switches made prior to

the compliance deadlines shall meet the requirements in WAC 246-260-031 (4) and (5); and WAC 246-260-041 (11)(g); 246-260-071(7); and 246-260-081(4) at the time the modifications are made.

(5) When owners are modifying the physical plant of their facilities, they are required to upgrade the area of the physical plant being modified to conform to current requirements. For example, when owners having pool facilities with single main drains are changing or modifying their main drains they shall modify the main drains in compliance with the current requirements. This includes, but is not limited to:

(a) Resurfacing of pools that involves alteration of the drains; or

(b) Changes to the main drain outlet sump or its recirculation piping.

NEW SECTION

WAC 246-260-181 Surveillance. Owners and operators shall allow the department and local health officer to perform on-site WRF inspections or conduct other surveillance activities considered necessary by the enforcing agency to ensure compliance with this chapter and chapter 70.90 RCW.

NEW SECTION

WAC 246-260-191 Technical advisory committee. (1) The department shall appoint a technical advisory committee to assist in the following:

(a) Reviewing and drafting proposed rules; and

(b) Developing guidelines for use of new products, equipment, procedures, and periodic program review.

(2) The department may determine the need for and frequency of technical advisory committee meetings.

(3) The WRF technical advisory committee membership shall include representation from the following:

(a) General use pool facility owners;

(b) Limited use pool facility owners;

(c) NSPI;

(d) WRPA;

(e) Engineer or architect design consultants;

(f) Eastern and Western Washington local environmental health jurisdictions;

(g) The department; and

(h) Recreational water contact facility owners (as appropriate).

(4) The technical advisory committee may appoint subcommittees, as the committee determines appropriate to address specific issues.

(5) The department shall maintain minutes of meetings.

NEW SECTION

WAC 246-260-201 Variance. (1) An owner (or their authorized representative) may apply to the department or local health officer for a variance to the requirements of this chapter for a water recreation facility. If the application relates to construction permits, it must be made at least thirty days prior to development of final plans and specifications. If the application relates to issuance of an operation permit, the owner shall present their proposal for a variance with the

department or local health officer at least thirty days before any consideration of implementing an operation change. An application may not be approved unless, notwithstanding a noncompliant design or construction or noncompliant operation, the health and safety purposes behind requirements of this chapter are met. An applicant shall provide adequate documentation to meet these requirements including, but not limited to:

- (a) The variance is consistent with the intent of this chapter;
 - (b) Protection from drowning, diving injury, entrapment, impact or falling hazards, tripping or slipping hazards;
 - (c) Maintenance of water and air quality, including equivalent disinfection, filtration, control of pH, physical water conditions, water clarity and prevention of contamination to preclude illness;
 - (d) Upon receipt of a complete application, the department or local health officer shall provide a written approval or denial of the variance.
- (2) The department and each local health officer shall provide the board a written summary of variances granted the previous year. This summary shall be submitted by January 31 of the following year or any time the board requests.
- (3) The board may, at its discretion, require variance requests be submitted to it for review and approval.

NEW SECTION

WAC 246-260-211 Enforcement. (1) The department or local health officer may enforce this chapter by one or more of the following actions:

- (a) Conducting an informal administrative conference to explore facts and resolve problems, convened at the request of the department, local health officer, or owner;
- (b) Issuing an order directing the WRF owner, operator, or the person responsible to cease violating this chapter or chapter 70.90 RCW;
- (c) Requiring the WRF owner or authorized representative to participate in training to improve basic skills for operating pools;
- (d) Assessing a civil penalty of up to five hundred dollars per violation per day; and
- (e) Denying, suspending, or revoking a WRF construction or operating permits.

(2) Orders authorized under this section may include, but are not limited to, requirements to:

- (a) Take corrective measures, which may include a schedule; necessary to gain compliance with this chapter and chapter 70.90 RCW; and
- (b) Stop work or refrain from using a WRF or any portion of a WRF and approvals required by statute or rules are obtained.

(3) An order issued under this section shall:

- (a) Be in writing;
- (b) Name the facility and the person or persons to whom the order is directed;
- (c) Briefly describe each action or inaction constituting a violation of this chapter or chapter 70.90 RCW;
- (d) Specify any required corrective action, if applicable;

(e) Provide notice, as appropriate, that continued or repeated violation may subject the violator to the penalties specified in subsection (4) of this section.

(4) Continued or repeated violation of the provisions of this chapter or chapter 70.90 RCW may subject the violator to:

- (a) Civil penalties of up to five hundred dollars;
- (b) Denial, suspension or revocation of the facility's construction or operating permit; or
- (c) Referral to the county prosecutor or attorney general's office.

(5) The department or local health officer may deny an application or reapplication for a WRF operating permit and may revoke or suspend a WRF operating permit of any person who:

(a) Previously had an operating permit suspended or revoked or had an operating permit application denied for reason;

(b) Failed or refused to comply with any provisions of this chapter, chapter 70.90 RCW, or any other statutory provision or rule regulating the WRF construction or operation; or

(c) Obtained or attempted to obtain an operating permit or any other required certificate of approval applicable to the WRF by fraudulent means or misrepresentation.

(6) The department or local health officer may summarily suspend a WRF operating permit, without a prior hearing, if the department or local health officer finds that the WRF presents an imminent hazard to public health or safety and incorporates a finding to that effect in an order.

NEW SECTION

WAC 246-260-221 Hearings. A person aggrieved by the department's or local health officer's denial, suspension, or revocation of a WRF permit; issuance of an order or levy of a civil penalty may request an administrative hearing.

A hearing requested to contest a local health officer's action is governed by the local health jurisdiction's rules for hearings.

A hearing requested to contest a department action is governed by chapters 246-10 WAC and 34.05 RCW.

NEW SECTION

WAC 246-260-999 Appendix A—Water quality standards.

Table 111.1

Minimum and Maximum Levels of Disinfectant (ppm)*

SWIMMING POOL: ***	Minimum
Chlorine	1.5
Chlorine with cyanurate compound	2.0
Bromine	2.5
SPA & WADING POOL: ***	Minimum
Chlorine	3.0
Chlorine with cyanurate compound	3.5
Bromine	4.0

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- * Chlorine is measured as free available chlorine residual.
- ** Recirculating spray pools and sensory deprivation tanks shall meet spa and wading pool levels.
- *** The maximum disinfectant level shall conform with manufacturers' recommendations and shall not exceed 10 ppm for any pool.

Table 111.2

Acceptable Ranges of Selected Chemical and Physical Water Quality Constituents

Cyanuric acid or its derivatives	0	90 ppm
Temperature**	-	104°F
Combined chlorine	-	50% of free chlorine
Ozone***	-	.05
Ionizers (Copper/Silver)	-	1.0/.05

- * In peak periods, turbidity may increase to 1.0 T.U. provided turbidity returns to 0.5 T.U. within a six-hour period following peak use. Turbidity is not a required routine analysis. The local health officer may require turbidity monitoring if special conditions warrant.
- ** A pool facility thermometer shall be provided when the water temperature exceeds 95 degrees Fahrenheit.
- *** Atmospheric measurement.

Table 111.2

Acceptable Ranges of Selected Chemical and Physical Water Quality Constituents

CHEMICAL OR PHYSICAL CONSTITUENT	MINIMUM	MAXIMUM
pH (Hydrogen ion)	7.2	8.0
Water clarity (safety)	Main drain and pool bottom visible at all times	-
Turbidity (shielding microorganisms T.U.)*	-	0.5

Table 111.3

Required Ranges of Accuracy and Incremental Readings for Field Test Kits

CHEMICAL TEST	MINIMUM TEST KIT RANGE	MINIMUM REQUIRED INCREMENTS ON KITS	MINIMUM ACCURACY
Free and total available chlorine and total bromine	0.5 - 10.0 ppm*	These increments are required to be on the test kit: 0.5, 1.0, 1.5, 2.0, 3, 5, 6, 10 ppm	±50% of the difference of incremental readings
pH (hydrogen ion)	7.0 - 8.2	Maximum increments of 0.4, e.g., 7.0, 7.4, 7.8, 8.2, Preferred increments of 0.2, e.g., 7.0, 7.2.... 8.0, 8.2	±50% of the difference of incremental readings
Cyanuric acid	20 - 100 ppm	20 ppm	±10
Alkalinity	0 - 300 ppm	20 ppm	±10
Temperature	60 - 110°F	Shall have increments of less than or equal to 2°F, e.g., 60, 62, 64 ... 108, 110	±2°F

- * Operators who demonstrate the ability to accurately perform test kit dilutions may be allowed to use test kits with a chlorine range of 1.5 - 5.0 ppm, thereby using dilutions to read up to 10 ppm.

NEW SECTION

WAC 246-260-99901 Appendix B—Personnel training and certifications.

Table 131.1

Personnel Training and Certifications

PERSONNEL	TRAINING RECOGNIZED	CERTIFYING AGENCIES*
Lifeguards	Lifeguarding, CPR, and First Aid.	ARC, YMCA, Lifesaving Society, E&A, ALTI, Starguard
Shallow Water Lifeguards	Shallow Water Lifeguard or Bronze Cross Award, CPR, and First Aid.	E&A, Lifesaving Society
SCUBA Instruction	Master SCUBA Diver Trainer or Master SCUBA Diver Instructor (PADI). SCUBA Instructor, Assistant Instructor, or Dive-master (NAUI).	PADI, NAUI

PROPOSED

Table 131.1
Personnel Training and Certifications

PERSONNEL	TRAINING RECOGNIZED	CERTIFYING AGENCIES*
Swim Coaches	Swim Coaches Safety Training, CPR and First Aid.	ARC, YMCA
Dive Coaches	Safety Training for Competitive Diving Coaches Option A or Safety Training for Competitive Diving Coaches Renewal Option A; and CPR & First Aid.	U.S. Diving
Attendants	Aquatic Safety Assistant or Basic Water Rescue or Water Safety Plus and CPR.	YMCA, ARC, E&A

* The department determines equivalent certifying organizations providing training.

NEW SECTION

WAC 246-260-99902 Appendix C—First-aid kits for pool facilities.

**First-Aid Kits for Pool Facilities
Standard 16 Unit Kit**

	Units
Absorbent gauze 24"X72" (1 per package)	1
Adhesive bandages 1" (16 per package)	1
Bandage compresses 4" (1 per package)	2
Eye dressing (1 per package)	1
Scissors and tweezers	1
Triangular bandages 40" (1 per package)	2
Individualized antiseptic pads (3 per package)	1
Surgical gloves (2 pr. minimum, 4 recommended)	1
CPR mask (disposable or reusable type)	1
Adhesive gauze or elastic or self-adherent wrap roll material	1
Cold packs	1
First-aid cream or antibiotic ointment	1
1/2" or 1" rolls of tape (2 rolls per package)	1
Butterfly bandage	1
Knuckle or finger tip bandages	1
Body clean up parts	1
Additional units of required units	1

- WAC 246-260-070 Water quality standards, analysis, and sample collection.
- WAC 246-260-080 Monitoring, reporting, and recordkeeping.
- WAC 246-260-090 Swimming pool design, construction, and equipment.
- WAC 246-260-100 Operation of swimming pool facilities.
- WAC 246-260-110 Spa pool design, construction, and equipment.
- WAC 246-260-120 Operation of spa pool facilities.
- WAC 246-260-130 Wading pool design, construction, and equipment.
- WAC 246-260-140 Operation of wading pool facilities.
- WAC 246-260-150 Spray pool design, construction, and equipment.
- WAC 246-260-160 Operation of spray pool facilities.
- WAC 246-260-170 Water recreation facility pools not in operation.
- WAC 246-260-200 Water recreation industry requirements.
- WAC 246-260-210 Technical advisory committee.
- WAC 246-260-220 Restrictions on animals.
- WAC 246-260-230 Variance.
- WAC 246-260-240 Substitution.
- WAC 246-260-250 Enforcement.
- WAC 246-260-260 Hearings.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-260-020 General administration.
- WAC 246-260-030 Construction permit.
- WAC 246-260-040 Operating permit.
- WAC 246-260-050 Compliance.
- WAC 246-260-060 Surveillance.

PROPOSED

WSR 04-08-104
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Order 03-11—Filed April 6, 2004, 3:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-116.

Title of Rule: Chapter 173-224 WAC, Wastewater discharge permit fees.

Purpose: To increase fees for fiscal years 2005 and 2006 for all fee categories. Redefine animal unit. Restructure concentrated animal feed operation category. Establish new fees for municipal separate storm sewer system permits.

Statutory Authority for Adoption: Chapter 90.48 RCW, Water pollution control.

Statute Being Implemented: Chapter 90.48 RCW, Water pollution control.

Summary: Establishes annual fees for holders of wastewater and/or stormwater discharge permits.

Reasons Supporting Proposal: This rule resulted from the passage of Initiative 97 passed by Washington voters in 1987 requiring the wastewater discharge permit program to be funded from annual fees paid by holders of wastewater and/or stormwater discharge permits.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bev Poston, Olympia, Washington, (360) 407-6425.

Name of Proponent: Washington Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Ecology is required by law (RCW 90.48.465, Water pollution control) to collect fees from all holders of wastewater and/or stormwater discharge permits. The fees are required to fund operation of the permit program. The proposed changes for wastewater permit holders will allow ecology to continue existing levels of service to the growing permit universe and maintain a base level of service if projected revenues fall below the legislative appropriation level for state fiscal years 2005 and 2006.

Fees will be established for new permit holders of municipal separate storm sewer system permits. The rule also proposes fee increases for industrial and construction stormwater general permit holders which will enable ecology to fund the enhancements to the stormwater general permit program as required by ESSB 6415.

Proposal Changes the Following Existing Rules:

- Increases annual fees for all wastewater permit holders by 3.03% for FY 2005 and 2.62% for FY 2006.
- Increases annual fees for industrial and construction stormwater general permit holders to fund activities outlined in ESSB 6415.
- Creates first time fees for new permit holders of municipal separate storm sewer system permit holders.
- Establishes a new definition for animal unit.
- Restructure the concentrated animal feeding operation category.

- Restructure the industrial and construction stormwater general permit fee categories.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No economic analysis of the new fees being proposed is required because ecology has chosen the least burdensome permitting activity for potential permit holders small and large alike. Ecology will issue general permit coverage for the municipalities needing separate storm sewer system permit coverage. This results in no application fees being assessed (a requirement for individual permit coverage) as well as the additional staff time necessary to obtain an individual permit. Ecology has included reductions to the storm sewer system permit fee for small municipalities with a median household income that averages less than the state average. Fees for those municipal permit holders will be reduced by 50%. This regulation also provides relief from fees for small business with no more than one million dollars of gross revenue from the activity covered by the permit. To the extent there may be disproportionate impacts on small business, this provides mitigation, as would be required by the Regulatory Fairness Act (RCW 19.85.030) were a small business impact statement found to be necessary.

RCW 34.05.328 does not apply to this rule adoption. Under certain conditions, rules changing fee schedules are exempt from significant legislative rule cost benefit analysis (RCW 34.05.328) requirements. The exemptions apply to rules which set or adjust fees or rates pursuant to legislative standards. Legislative standards for these fees appear in RCW 90.48.465 (authorizing the fee) and in the biennial budget, which establishes the total revenue which can be collected. Ecology is proposing to increase fees for wastewater permit holders to match the fiscal growth limits for both state fiscal years 2005 and 2006 as determined by the Washington State Office of Financial Management. Ecology is proposing to increase fees for stormwater general permit holders as directed with the recent passage of ESSB 6415.

Hearing Location: Ecology will hold a short workshop that will be immediately followed by a public hearing at the following locations, dates and times: Cowlitz County PUD, 961 12th Avenue, Longview, on May 12, 2004, at 1:30 p.m.; at the Department of Social and Health Services, 900 East College Way, Skagit Room, Mount Vernon, on May 13, 2004, at 1:30 p.m.; at the Mid Columbia Library, 1620 South Union, Kennewick, on May 17, 2004, at 1:30 p.m.; at the Shadle Library, 2111 West Wellesley, Spokane, on May 18, 2004, at 1:30 p.m.; at the Hal Holmes Center, 201 North Ruby Street, Ellensburg, on May 19, 2004, at 1:30 p.m.; and at the Pierce County Library, Administration Services Center, 3005 112th Street East, Tacoma, on May 20, 2004, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Bev Poston by May 1, 2004, (360) 407-6425 or TTY 711 or 1-800-833-8973.

Submit Written Comments to: Bev Poston, Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, Bpos461@ecy.wa.gov, fax (360) 407-6425, by May 26, 2004.

Date of Intended Adoption: July 12, 2004.

April 6, 2004
 Polly Zehm
 Deputy Director
 by Dale R. Jensen

AMENDATORY SECTION (Amending WSR 02-12-059, filed 5/30/02, effective 6/30/02)

WAC 173-224-030 Definitions. "Administrative expenses" means those costs associated with issuing and administering permits under RCW 90.48.160, 90.48.162, and 90.48.260.

"Aggregate production" means the mining or quarrying of sand, gravel, or rock, or the production of concrete, or asphalt or a combination thereof.

"Aluminum and magnesium reduction mills" means the electrolytic reduction of alumina or magnesium salts to produce aluminum or magnesium metal.

~~("Animal unit" means one slaughter or feeder steer and 25 swine. Dairy cows are determined in the following manner: Jersey breed (nonmixed) = 0.9 milking cow, 0.9 dry cow, 0.22 heifers, and 0.22 calves; other breeds = 1.4 milking cow, 1.0 dry cow, 0.8 heifers, 0.5 calves.)~~

"Animal unit" means the following:

<u>Animal Type</u>	<u>Number of Animals per Animal Unit</u>
<u>Dairy Cows</u>	
<u>Jersey Breed</u>	
<u>Milking Cow</u>	<u>0.900</u>
<u>Dry Cow</u>	<u>0.900</u>
<u>Heifer</u>	<u>0.220</u>
<u>Calf</u>	<u>0.220</u>
<u>Other Breeds</u>	
<u>Milking Cow</u>	<u>1.400</u>
<u>Dry Cow</u>	<u>1.000</u>
<u>Heifer</u>	<u>0.800</u>
<u>Calf</u>	<u>0.500</u>
<u>Feedlot Beef</u>	<u>0.877</u>
<u>Horses</u>	<u>0.500</u>
<u>Sheep</u>	<u>0.100</u>
<u>Swine for breeding</u>	<u>0.375</u>
<u>Swine for slaughter</u>	<u>0.110</u>
<u>Laying hens & pullets > 3 months</u>	<u>0.004</u>
<u>Broilers & pullets < 3 months</u>	<u>0.002</u>

For those concentrated animal feeding operations not listed on the above table, the department will use 1,000 pounds of live animal weight and the weight of the type of animal in determining the number of animal units.

"Annual permit fee" means the fee charged by the department for annual expenses associated with activities specified in RCW 90.48.465. This annual fee is based on the state's fiscal year (July 1 - June 30).

"bbls/d" means barrels per day of feedstock for petroleum refineries.

"bins/yr" means total standard bins used during the last complete calendar year by a facility in the crop preparing industry. The bins measure approximately 47.5 inches x 47.4 inches x 29.5 inches and hold approximately 870 pounds of fruit.

"Chemical pulp mill w/chlorine bleaching" means any pulp mill that uses chlorine or chlorine compounds in their bleaching process.

"Combined food processing waste treatment facility" means a facility that treats wastewater from more than one separately permitted food processor and receives no domestic wastewater or waste from industrial sources other than food processing.

"Combined industrial waste treatment" means a facility which treats wastewater from more than one industry in any of the following categories: Inorganic chemicals, metal finishing, ore concentration, organic chemicals, or photofinishers.

"Combined sewer overflow (CSO)" means the event during which excess combined sewage flow caused by inflow is discharged from a combined sewer, rather than conveyed to the sewage treatment plant because either the capacity of the treatment plant or the combined sewer is exceeded.

"Concentrated animal feeding operation" means an "animal feeding operation" that meets the criteria in Appendix B of 40 CFR 122 as presently enacted and any subsequent modifications thereto.

"Contaminants of concern" means a chemical for which an effluent limit is established (this does not include pH, flow, temperature, or other "nonchemical parameters"). Petroleum constituents will be considered as one contaminant of concern even if more than one effluent limit is established (e.g., Total Petroleum Hydrocarbons and BTEX).

"Crane" means a machine used for the hoisting and lifting of ship hulls.

"Crop preparing" means the preparation of fruit for wholesale or retail sale by washing and/or other processes in which the skin of the fruit is not broken and in which the interior part of the fruit does not come in direct contact with the wastewater.

"cu. yds/yr" means the total production from an aggregate production facility in cubic yards during the most recent completed calendar year.

"Department" means the department of ecology.

"Director" means the director of the department of ecology.

"Disturbed acres" means the total area which will be disturbed during all phases of the construction project or common plan of development or sale. This includes all clearing, grading, and excavating, and any other activity which disturbs the surface of the land.

"Domestic wastewater" means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places, together with any ground water infiltration or surface waters that may be present.

"Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat,

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reclaim or dispose of domestic wastewater together with such industrial waste as may be present.

"Existing operations" means those industrial operations requiring a wastewater discharge permit before July 1, 1993.

"EPA" means the United States Environmental Protection Agency.

"Fin fish rearing and hatching" means the raising of fin fish for fisheries enhancement or sale, by means of hatcheries, net pens, or other confined fish facilities.

"Flavor extraction" means the recovery of flavors or essential oils from organic products by steam distillation.

"Food processing" means the preparation of food for human or animal consumption or the preparation of animal byproducts, excluding crop preparing. This category includes, but is not limited to, fruit and vegetable processing, meat and poultry products processing, dairy products processing, beer production, rendering and animal feed production. Food processing wastewater treatment plants that treat wastes from only one separately permitted food processor must be treated as one facility for billing purposes.

"Gross revenue for business" means the gross income from Washington business activities as reported to the Washington state department of revenue.

"Hazardous waste clean up sites" means any facility where there has been confirmation of a release or threatened release of a hazardous substance that requires remedial action other than RCRA corrective action sites.

"Industrial facility" means any facility not included in the definition of municipal/domestic facility.

"Industrial gross revenue" means the annual amount of the sales of goods and services produced using the processes regulated by the wastewater discharge permit.

"Industrial storm water" means an operation required to be covered under ecology's NPDES and state waste discharge baseline general permit for storm water discharges associated with industrial activities or modifications to that permit or having an individual wastewater permit for storm water only.

"MGD" means permitted flow expressed in million gallons per day.

"Manufacturing" means the making of goods and articles by hand or especially, by machinery into a manufactured product.

"Median household income" means the most recent available census data, updated yearly based on inflation rates as measured by the Federal Bureau of Labor Statistics and published as the Consumer Price Index.

"Metal finishing" means the preparation of metal surfaces by means of electroplating, electroless plating, anodizing, coating (chromating, phosphating and coloring), chemical etching and milling, and printed circuit board manufacture.

"Municipal/domestic facility" means a publicly owned facility treating domestic wastewater together with any industrial wastes that may be present, or a privately-owned facility treating solely domestic wastewater.

"Municipal gross revenue" means gross receipts from monthly, bimonthly, and/or quarterly user charges for sewer services received from all classes of customers;

Included in these user charges are user charges and fees based on wastewater constituents' strengths and characteris-

tics including high-strength surcharges and charges based on biochemical oxygen demand, suspended solids, oil and grease, toxicants, heavy metals, and flow, etc.

Municipal gross revenue includes charges for receipt and treatment of septic tank wastes, holding tank wastes, chemical toilet wastes, etc.

Municipal gross revenue includes all amounts received from other municipalities for sewage interception, treatment, collection, or disposal.

Gross revenue excludes:

Amounts derived by municipalities directly from taxes levied for the support or maintenance of sewer services.

Late charges, penalties for nontimely payment by customers, interest on late payments, and all other penalties and fines.

Permit fees and compliance monitoring fees for wastewater discharge permits issued by municipalities with local pretreatment programs. Permit fees which are charged to cover the cost of providing sewer service are not excluded from municipal gross revenue.

Receipts by a municipality of special assessments or installments thereof and interests and penalties thereon, and charges in lieu of assessments.

Connection charges.

Revenues from sales of by-products such as sludge, processed wastewater, etc.

"Municipality" means a city, town, county, district, association, or other public body created by or in accordance with state law and that has jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under 33 U.S.C. Sec. 1288. State government agencies are not included in this definition.

"Noncontact cooling water with additives" means water used for cooling that ~~(comes into contact with corrosives)~~ does not come into direct contact with any raw materials, intermediate product, waste product or finished product, but which may contain chemicals or additives added by the permittee to control corrosion or fouling of the cooling system.

"Noncontact cooling water without additives" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product, and which does not contain chemicals added by the permittee. The noncontact cooling water fee without additives category applies to those facilities which discharge only noncontact cooling water and which have no other wastewater discharges required to be permitted under RCW 90.48.160, 90.48.162, and 90.48.260.

"Nonferrous metals forming" means the manufacturing of semifinished products from pure metal or metal alloys other than iron or steel or of metals not otherwise classified in WAC 173-224-040(2).

"Nonoperating aggregate site" means a location where previous mining or processing has occurred; that has not been fully reclaimed; that has no current mining or processing, and that may include stockpiles of raw materials or finished products. The permittee may add or withdraw raw materials or finished products from the stockpiles for transportation off-site for processing, use, or sale and still be considered a nonoperating site. This definition can be found in ecology's

National Pollutant Discharge Elimination System and State Waste Discharge Permit for Process Water, Storm Water, and Mine Dewatering Water Discharges Associated with Sand and Gravel Operations, Rock Quarries and Similar Mining Facilities including Stockpiles of Mined Materials, Concrete Batch Operations and Asphalt Batch Operations.

"NPDES permit" means a National Pollutant Discharge Elimination System permit issued by the department under Section 402 of the federal Clean Water Act and RCW 90.48.260.

"Person" means any political subdivision, government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatever.

"Portable facility" means a facility that is designed for mobility and is moved from site to site for short term operations. A portable facility applies only to an asphalt batch plant, portable concrete batch plant and portable rock crusher.

"RCRA" means Resource Conservation Recovery Act clean up sites required to have a wastewater discharge permit resulting from a corrective action under relevant federal authorities or under chapters 70.105 and 70.105D RCW including chapters 173-303 and 173-340 WAC, and are not subject to cost recovery.

"Residential equivalent" means a single-family residence or a unit of sewer service that yields an amount of gross revenue equal to the annual user charge for a single-family residence. In cases where the permit holder does not maintain data on gross revenue, user charges, and/or the number of single-family residences that it serves, "residential equivalent" means an influent flow of two hundred fifty gallons per day.

"Sewer service" means the activity of receiving sewage deposited into and carried off by a system of sewers, drains, and pipes to a common point, or points, for disposal or for transfer to treatment for disposal, and activities involving the interception, transfer, storage, treatment, and/or disposal of sewage, or any of these activities.

"State waste discharge permit" means a permit required under RCW 98.48.260.

"Storm water" means an industrial operation or construction activity discharging storm water runoff as defined in 40 CFR 122.26 (b)(14) or facilities that are permitted as a significant contributor of pollutants as allowed in the federal Clean Water Act at Section 402 (p)(2)(E).

"Tons/yr." means the total production from an asphalt production facility in tons during the most recent completed calendar year.

"Vegetable/bulb washing" means the washing, packing, and shipping of fresh vegetables and bulbs when there is no cooking or cutting of the product before packing.

AMENDATORY SECTION (Amending WSR 02-12-059, filed 5/30/02, effective 6/30/02)

WAC 173-224-040 Permit fee schedule. (1) Application fee. In addition to the annual fee, first time applicants (except those applying for coverage under a general permit) will pay a one time application fee of twenty-five percent of the annual permit fee, or \$250.00, whichever is greater. An application fee will be assessed for RCRA sites regardless of whether a new permit is being issued or an existing permit for other than the discharge resulting from the RCRA corrective action, is being modified.

(2) Industrial facility categories.

((INDUSTRIAL FACILITY CATEGORIES

	FY 2003 annual permit fee	FY 2004 annual permit fee and beyond
Aluminum Alloys	\$13,292.00	\$13,729.00
Aluminum and Magnesium Reduction Mills		
a. NPDES Permit	78,385.00	80,964.00
b. State Permit	39,194.00	40,483.00
Aluminum Forming	39,875.00	41,187.00
Aggregate Production—Individual Permit Coverage		
a. Mining Activities		
1. Mining, screening, washing and/or crushing	2,287.00	2,362.00
2. Nonoperating aggregate site (fee per site)	94.00	97.00
b. Asphalt Production		
1. 0—< 50,000 tons/yr.	953.00	984.00
2. 50,000—< 300,000 tons/yr.	2,288.00	2,363.00
3. 300,000 tons/yr. and greater	2,861.00	2,955.00
c. Concrete Production		
1. 0—< 25,000 cu. yds/yr.	953.00	984.00
2. 25,000—< 200,000 cu. yds/yr.	2,288.00	2,363.00
3. 200,000 cu. yds/yr. and greater	2,861.00	2,955.00

PROPOSED

	FY 2003 annual permit fee	FY 2004 annual permit fee and beyond
((INDUSTRIAL FACILITY CATEGORIES		
The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.		
d. Portable Operations		
1. Rock Crushing	2,287.00	2,362.00
2. Asphalt	2,287.00	2,362.00
3. Concrete	2,287.00	2,362.00
Aggregate Production—General Permit Coverage		
a. Mining Activities		
1. Mining, screening, washing and/or crushing	1,600.00	1,653.00
2. Nonoperating aggregate site (fee per site)	67.00	69.00
b. Asphalt Production		
1. 0—< 50,000 tons/yr.	668.00	690.00
2. 50,000—< 300,000 tons/yr.	1,601.00	1,654.00
3. 300,000 tons/yr. and greater	2,001.00	2,067.00
e. Concrete Production		
1. 0—< 25,000 cu. yds/yr.	668.00	690.00
2. 25,000—< 200,000 cu. yds/yr.	1,601.00	1,654.00
3. 200,000 cu. yds/yr. and greater	2,001.00	2,067.00
The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.		
d. Portable Operations		
1. Rock Crushing	1,601.00	1,654.00
2. Asphalt	1,601.00	1,654.00
3. Concrete	1,601.00	1,654.00
Aquaculture		
a. Finfish hatching and rearing—Individual Permit	3,987.00	4,118.00
b. Finfish hatching and rearing—General Permit Coverage	2,793.00	2,885.00
e. Shellfish hatching	138.00	142.00
Aquatic Pest Control		
a. Irrigation Districts	300.00	310.00
b. Mosquito Control Districts	300.00	310.00
e. Noxious	300.00	310.00
d. Nuisance Weed Control Only	300.00	310.00
e. Oyster Growers	300.00	310.00
f. Rotenone Control	300.00	310.00
Boat Yards—Individual Permit Coverage		
a. With storm water only discharge	340.00	351.00
b. All others	681.00	704.00
Boat Yards—General Permit Coverage		
a. With storm water only discharge	237.00	245.00
b. All others	478.00	494.00
Coal Mining and Preparation		
a. < 200,000 tons per year	5,314.00	5,489.00
b. 200,000—< 500,000 tons per year	11,964.00	12,357.00
e. 500,000—< 1,000,000 tons per year	21,266.00	21,966.00

((INDUSTRIAL FACILITY CATEGORIES		FY 2003 annual permit fee	FY 2004 annual permit fee and beyond
d.	1,000,000 tons per year and greater	39,875.00	41,187.00
Combined Industrial Waste Treatment			
a.	<10,000 gpd	2,658.00	2,746.00
b.	10,000 < 50,000 gpd	6,644.00	6,863.00
e.	50,000 < 100,000 gpd	13,292.00	13,729.00
d.	100,000 < 500,000 gpd	26,584.00	27,458.00
e.	500,000 gpd and greater	39,875.00	41,187.00
Combined Food Processing Waste Treatment Facilities			
		12,725.00	13,144.00
Combined Sewer Overflow System			
a.	<50 acres	2,658.00	2,746.00
b.	50 < 100 acres	6,644.00	6,863.00
e.	100 < 500 acres	7,978.00	8,240.00
d.	500 acres and greater	10,634.00	10,983.00
Commercial Laundry			
		340.00	351.00
Concentrated Animal Feeding Operation			
a.	<200 Animal Units	137.00	141.00
b.	200 < 400 Animal Units	340.00	351.00
e.	400 < 600 Animal Units	681.00	704.00
d.	600 < 800 Animal Units	1,022.00	1,055.00
e.	800 Animal Units and greater	1,363.00	1,408.00
Crop Preparing - Individual Permit Coverage			
a.	0 < 1,000 bins/yr.	265.00	274.00
b.	1,000 < 5,000 bins/yr.	531.00	549.00
e.	5,000 < 10,000 bins/yr.	1,063.00	1,098.00
d.	10,000 < 15,000 bins/yr.	2,128.00	2,198.00
e.	15,000 < 20,000 bins/yr.	3,521.00	3,636.00
f.	20,000 < 25,000 bins/yr.	4,917.00	5,079.00
g.	25,000 < 50,000 bins/yr.	6,579.00	6,795.00
h.	50,000 < 75,000 bins/yr.	7,310.00	7,551.00
i.	75,000 < 100,000 bins/yr.	8,506.00	8,786.00
j.	100,000 < 125,000 bins/yr.	10,634.00	10,983.00
k.	125,000 < 150,000 bins/yr.	13,292.00	13,729.00
l.	150,000 bins/yr. and greater	15,950.00	16,475.00
Crop Preparing - General Permit Coverage			
a.	0 < 1,000 bins/yr.	185.00	191.00
b.	1,000 < 5,000 bins/yr.	372.00	384.00
e.	5,000 < 10,000 bins/yr.	745.00	770.00
d.	10,000 < 15,000 bins/yr.	1,489.00	1,538.00
e.	15,000 < 20,000 bins/yr.	2,465.00	2,546.00
f.	20,000 < 25,000 bins/yr.	3,442.00	3,556.00
g.	25,000 < 50,000 bins/yr.	4,605.00	4,756.00
h.	50,000 < 75,000 bins/yr.	5,117.00	5,285.00
i.	75,000 < 100,000 bins/yr.	5,954.00	6,145.00
j.	100,000 < 125,000 bins/yr.	7,444.00	7,689.00

PROPOSED

PROPOSED

		FY 2003 annual permit fee	FY 2004 annual permit fee and beyond
((INDUSTRIAL FACILITY CATEGORIES			
k:	125,000 <— 150,000 bbls/yr:	9,305.00	9,611.00
l:	150,000 bbls/yr. and greater	11,165.00	11,532.00
Dairies \$.50 per Animal Unit not to exceed \$954.00 for FY 2003 and \$985.00 for FY 2004 and beyond			
Facilities Not Otherwise Classified—Individual Permit Coverage			
a:	<— 1,000 gpd	1,329.00	1,373.00
b:	1,000 <— 10,000 gpd	2,658.00	2,746.00
c:	10,000 <— 50,000 gpd	6,645.00	6,864.00
d:	50,000 <— 100,000 gpd	10,634.00	10,983.00
e:	100,000 <— 500,000 gpd	21,160.00	21,857.00
f:	500,000 <— 1,000,000 gpd	26,583.00	27,457.00
g:	1,000,000 gpd and greater	39,875.00	41,187.00
Facilities Not Otherwise Classified—General Permit Coverage			
a:	<— 1,000 gpd	932.00	963.00
b:	1,000 <— 10,000 gpd	1,860.00	1,992.00
c:	10,000 <— 50,000 gpd	4,653.00	4,806.00
d:	50,000 <— 100,000 gpd	7,444.00	7,689.00
e:	100,000 <— 500,000 gpd	14,885.00	15,375.00
f:	500,000 <— 1,000,000 gpd	18,607.00	19,210.00
g:	1,000,000 gpd and greater	27,913.00	28,831.00
Flavor Extraction			
a:	Steam Distillation	137.00	141.00
Food Processing			
a:	<— 1,000 gpd	1,328.00	1,372.00
b:	1,000 <— 10,000 gpd	3,388.00	3,499.00
c:	10,000 <— 50,000 gpd	6,048.00	6,247.00
d:	50,000 <— 100,000 gpd	9,503.00	9,816.00
e:	100,000 <— 250,000 gpd	13,292.00	13,729.00
f:	250,000 <— 500,000 gpd	17,479.00	18,055.00
g:	500,000 <— 750,000 gpd	21,930.00	22,652.00
h:	750,000 <— 1,000,000 gpd	26,583.00	27,457.00
i:	1,000,000 <— 2,500,000 gpd	32,750.00	33,827.00
j:	2,500,000 <— 5,000,000 gpd	36,551.00	37,754.00
k:	5,000,000 gpd and greater	39,875.00	41,187.00
Fuel and Chemical Storage			
a:	<— 50,000 bbls	1,329.00	1,373.00
b:	50,000 <— 100,000 bbls	2,658.00	2,746.00
c:	100,000 <— 500,000 bbls	6,644.00	6,863.00
d:	500,000 bbls and greater	13,292.00	13,729.00
Hazardous Waste Clean-Up Sites			
a:	Leaking Underground Storage Tanks (LUST)		
1:	State Permit	3,487.00	3,601.00
2:	NRPDES Permit Issued pre 7/1/94	3,487.00	3,601.00
3:	NRPDES Permit Issued post 7/1/94	6,972.00	7,202.00

((INDUSTRIAL FACILITY CATEGORIES	FY 2003 annual permit fee	FY 2004 annual permit fee and beyond
b. Non-LUST Sites		
1. 1 or 2 Contaminants of concern	6,817.00	7,041.00
2. >2 Contaminants of concern	13,632.00	14,081.00
Ink Formulation and Printing		
a. Commercial Print Shops	2,044.00	2,112.00
b. Newspapers	3,409.00	3,521.00
c. Box Plants	5,453.00	5,632.00
d. Ink Formulation	6,817.00	7,041.00
Inorganic Chemicals Manufacturing		
a. Lime Products	6,644.00	6,863.00
b. Fertilizer	8,000.00	8,263.00
c. Peroxide	10,634.00	10,983.00
d. Alkaline Earth Salts	13,292.00	13,729.00
e. Metal Salts	18,606.00	19,218.00
f. Acid Manufacturing	26,583.00	27,452.00
g. Chlor-alkali	53,167.00	54,916.00
Iron and Steel		
a. Foundries	13,292.00	13,729.00
b. Mills	26,606.00	27,482.00
Metal Finishing		
a. <1,000 gpd	1,593.00	1,646.00
b. 1,000 - <10,000 gpd	2,657.00	2,745.00
c. 10,000 - <50,000 gpd	6,643.00	6,862.00
d. 50,000 - <100,000 gpd	13,291.00	13,728.00
e. 100,000 - <500,000 gpd	26,581.00	27,456.00
f. 500,000 gpd and greater	39,873.00	41,185.00
Noncontact Cooling Water With Additives—Individual Permit Coverage		
a. <1,000 gpd	832.00	859.00
b. 1,000 - <10,000 gpd	1,161.00	1,199.00
c. 10,000 - <50,000 gpd	2,494.00	2,576.00
d. 50,000 - <100,000 gpd	5,817.00	6,008.00
e. 100,000 - <500,000 gpd	9,968.00	10,295.00
f. 500,000 - <1,000,000 gpd	14,124.00	14,589.00
g. 1,000,000 - <2,500,000 gpd	18,278.00	18,879.00
h. 2,500,000 - <5,000,000 gpd	22,427.00	23,165.00
i. 5,000,000 gpd and greater	26,583.00	27,457.00
Noncontact Cooling Water With Additives—General Permit Coverage		
a. <1,000 gpd	583.00	602.00
b. 1,000 - <10,000 gpd	1,163.00	1,201.00
c. 10,000 - <50,000 gpd	1,745.00	1,803.00
d. 50,000 - <100,000 gpd	4,073.00	4,207.00
e. 100,000 - <500,000 gpd	6,977.00	7,207.00
f. 500,000 - <1,000,000 gpd	9,887.00	10,213.00
g. 1,000,000 - <2,500,000 gpd	12,794.00	13,215.00

PROPOSED

		FY 2003 annual permit fee	FY 2004 annual permit fee and beyond
((INDUSTRIAL FACILITY CATEGORIES			
h.	2,500,000 ← 5,000,000 gpd	15,699.00	16,216.00
i.	5,000,000 gpd and greater	18,607.00	19,219.00
Nonecontact Cooling Water Without Additives—Individual Permit Coverage			
a.	<1,000 gpd	666.00	688.00
b.	1,000 ← 10,000 gpd	1,329.00	1,373.00
e.	10,000 ← 50,000 gpd	1,995.00	2,061.00
d.	50,000 ← 100,000 gpd	4,635.00	4,806.00
e.	100,000 ← 500,000 gpd	7,978.00	8,240.00
f.	500,000 ← 1,000,000 gpd	11,297.00	11,668.00
g.	1,000,000 ← 2,500,000 gpd	14,621.00	15,102.00
h.	2,500,000 ← 5,000,000 gpd	17,943.00	18,533.00
i.	5,000,000 gpd and greater	21,266.00	21,966.00
Nonecontact Cooling Water Without Additives—General Permit Coverage			
a.	<1,000 gpd	466.00	481.00
b.	1,000 ← 10,000 gpd	932.00	963.00
e.	10,000 ← 50,000 gpd	1,396.00	1,442.00
d.	50,000 ← 100,000 gpd	3,256.00	3,364.00
e.	100,000 ← 500,000 gpd	5,583.00	5,766.00
f.	500,000 ← 1,000,000 gpd	7,909.00	8,169.00
g.	1,000,000 ← 2,500,000 gpd	10,235.00	10,572.00
h.	2,500,000 ← 5,000,000 gpd	12,561.00	12,974.00
i.	5,000,000 gpd and greater	14,885.00	15,375.00
Nonferrous Metals Forming			
		13,292.00	13,729.00
Ore Mining			
a.	Ore Mining	2,658.00	2,746.00
b.	Ore mining with physical concentration processes	5,315.00	5,490.00
e.	Ore mining with physical and chemical concentration processes	21,266.00	21,966.00
Organic Chemicals Manufacturing			
a.	Fertilizer	13,292.00	13,729.00
b.	Aliphatic	26,583.00	27,457.00
e.	Aromatic	39,875.00	41,187.00
Petroleum Refining			
a.	<10,000 bbls/d	26,582.00	27,457.00
b.	10,000 ← 50,000 bbls/d	52,705.00	54,439.00
e.	50,000 bbls/d and greater	106,337.00	109,836.00
Photofinishers			
a.	<1,000 gpd	1,063.00	1,098.00
b.	1,000 gpd and greater	2,658.00	2,746.00
Power and/or Steam Plants			
a.	Steam Generation—Nonelectric	5,314.00	5,489.00
b.	Hydroelectric	5,314.00	5,489.00
e.	Nonfossil Fuel	7,977.00	8,239.00
d.	Fossil Fuel	21,266.00	21,966.00

PROPOSED

((INDUSTRIAL FACILITY CATEGORIES	FY 2003 annual permit fee	FY 2004 annual permit fee and beyond
Pulp, Paper and Paper Board		
a. Fiber Recyclers	13,291.00	13,728.00
b. Paper Mills	26,583.00	27,457.00
e. Groundwood Pulp Mills		
1. < 300 tons per day	39,875.00	41,187.00
2. > 300 tons per day	79,750.00	82,373.00
d. Chemical Pulp Mills w/o Chlorine Bleaching	106,331.00	109,829.00
e. Chemical Pulp Mills w/Chlorine Bleaching	119,622.00	123,557.00
Radioactive Effluents and Discharges (RED)		
a. < 3 waste streams	25,730.00	26,557.00
b. 3 - < 8 waste streams	44,657.00	46,126.00
e. 8 waste streams and greater	73,552.00	75,972.00
RCRA Corrective Action Sites		
	18,682.00	19,297.00
Seafood Processing		
a. < 1,000 gpd	1,329.00	1,373.00
b. 1,000 - < 10,000 gpd	3,388.00	3,499.00
e. 10,000 - < 50,000 gpd	6,048.00	6,247.00
d. 50,000 - < 100,000 gpd	9,503.00	9,816.00
e. 100,000 gpd and greater	13,292.00	13,729.00
Shipyards		
a. Per crane, travel lift, small boat lift	2,658.00	2,746.00
b. Per drydock under 250 ft in length	2,658.00	2,746.00
e. Per graving dock	2,658.00	2,746.00
d. Per marine way	3,987.00	4,118.00
e. Per syerolift	3,987.00	4,118.00
f. Per drydock over 250 ft in length	5,315.00	5,490.00
The fee for a facility in the shipyard category is the sum of the fees for the applicable units in the facility.		
Solid Waste Sites (nonstorm water)		
a. Nonputrescible	5,315.00	5,490.00
b. < 50 acres	10,633.00	10,982.00
e. 50 - < 100 acres	21,266.00	21,966.00
d. 100 - < 250 acres	26,583.00	27,457.00
e. 250 acres and greater	39,875.00	41,187.00
Storm Water (Unless specifically categorized elsewhere.)		
a. Individual Industrial Permits		
1. < 50 acres	2,658.00	2,746.00
2. 50 - < 100 acres	5,315.00	5,490.00
3. 100 - < 500 acres	7,977.00	8,239.00
4. 500 acres and greater	10,634.00	10,983.00
b. Facilities covered under the Industrial Storm Water General Permit	353.00	364.00
e. Construction activities covered under the Industrial Storm Water General Permit	353.00	364.00

PROPOSED

PROPOSED

	FY 2003 annual permit fee	FY 2004 annual permit fee and beyond
((INDUSTRIAL FACILITY CATEGORIES		
Textile Mills	53,167.00	54,916.00
Timber Products		
a. Log Storage	2,658.00	2,746.00
b. Veneer	5,315.00	5,490.00
c. Sawmills	10,634.00	10,983.00
d. Hardwood, Plywood	18,606.00	19,218.00
e. Wood Preserving	25,526.00	26,366.00
Vegetable/Bulb Washing Facilities		
a. <1,000 gpd	87.00	90.00
b. 1,000 < 5,000 gpd	177.00	183.00
c. 5,000 < 10,000 gpd	349.00	361.00
d. 10,000 < 20,000 gpd	705.00	728.00
e. 20,000 and greater	1,166.00	1,204.00
Vehicle Maintenance and Freight Transfer		
a. <0.5 acre	2,658.00	2,746.00
b. 0.5 < 1.0 acre	5,315.00	5,490.00
c. 1.0 acre and greater	7,977.00	8,239.00
Water Plants—Individual Permit Coverage	3,324.00	3,434.00
Water Plants—General Permit Coverage	2,326.00	2,403.00
Wineries		
a. <500 gpd	271.00	280.00
b. 500 < 750 gpd	544.00	562.00
c. 750 < 1,000 gpd	1,089.00	1,124.00
d. 1,000 < 2,500 gpd	2,174.00	2,246.00
e. 2,500 < 5,000 gpd	3,469.00	3,583.00
f. 5,000 gpd and greater	4,761.00	4,918.00))

	FY 2005 ANNUAL PERMIT FEE	FY 2006 ANNUAL PERMIT FEE AND BEYOND
INDUSTRIAL FACILITY CATEGORIES		
<u>Aluminum Alloys</u>	<u>\$14,145.00</u>	<u>\$14,516.00</u>
<u>Aluminum and Magnesium Reduction Mills</u>		
a. <u>NPDES Permit</u>	<u>83,417.00</u>	<u>85,603.00</u>
b. <u>State Permit</u>	<u>41,710.00</u>	<u>42,803.00</u>
<u>Aluminum Forming</u>	<u>42,435.00</u>	<u>43,547.00</u>
<u>Aggregate Production - Individual Permit Coverage</u>		
a. <u>Mining Activities</u>		
1. <u>Mining, screening, washing and/or crushing</u>	<u>2,434.00</u>	<u>2,498.00</u>
2. <u>Nonoperating aggregate site (fee per site)</u>	<u>100.00</u>	<u>103.00</u>
b. <u>Asphalt Production</u>		
1. <u>0 - < 50,000 tons/yr.</u>	<u>1,014.00</u>	<u>1,041.00</u>
2. <u>50,000 - < 300,000 tons/yr.</u>	<u>2,435.00</u>	<u>2,499.00</u>
3. <u>300,000 tons/yr. and greater</u>	<u>3,045.00</u>	<u>3,125.00</u>
c. <u>Concrete Production</u>		

PROPOSED

<u>INDUSTRIAL FACILITY CATEGORIES</u>		<u>FY 2005 ANNUAL PERMIT FEE</u>	<u>FY 2006 ANNUAL PERMIT FEE AND BEYOND</u>
1.	<u>0 - < 25,000 cu. yds/yr.</u>	<u>1,014.00</u>	<u>1,041.00</u>
2.	<u>25,000 - < 200,000 cu. yds/yr.</u>	<u>2,435.00</u>	<u>2,499.00</u>
3.	<u>200,000 cu. yds/yr. and greater</u>	<u>3,045.00</u>	<u>3,125.00</u>
<u>The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.</u>			
<u>d. Portable Operations</u>			
1.	<u>Rock Crushing</u>	<u>2,434.00</u>	<u>2,498.00</u>
2.	<u>Asphalt</u>	<u>2,434.00</u>	<u>2,498.00</u>
3.	<u>Concrete</u>	<u>2,434.00</u>	<u>2,498.00</u>
<u>Aggregate Production - General Permit Coverage</u>			
<u>a. Mining Activities</u>			
1.	<u>Mining, screening, washing and/or crushing</u>	<u>1,703.00</u>	<u>1,748.00</u>
2.	<u>Nonoperating aggregate site (fee per site)</u>	<u>71.00</u>	<u>73.00</u>
<u>b. Asphalt Production</u>			
1.	<u>0 - < 50,000 tons/yr.</u>	<u>711.00</u>	<u>730.00</u>
2.	<u>50,000 - < 300,000 tons/yr.</u>	<u>1,704.00</u>	<u>1,749.00</u>
3.	<u>300,000 tons/yr. and greater</u>	<u>2,130.00</u>	<u>2,186.00</u>
<u>c. Concrete Production</u>			
1.	<u>0 - < 25,000 cu. yds/yr.</u>	<u>711.00</u>	<u>730.00</u>
2.	<u>25,000 - < 200,000 cu. yds/yr.</u>	<u>1,704.00</u>	<u>1,749.00</u>
3.	<u>200,000 cu. yds/yr. and greater</u>	<u>2,130.00</u>	<u>2,186.00</u>
<u>The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.</u>			
<u>d. Portable Operations</u>			
1.	<u>Rock Crushing</u>	<u>1,704.00</u>	<u>1,749.00</u>
2.	<u>Asphalt</u>	<u>1,704.00</u>	<u>1,749.00</u>
3.	<u>Concrete</u>	<u>1,704.00</u>	<u>1,749.00</u>
<u>Aquaculture</u>			
a.	<u>Finfish hatching and rearing - Individual Permit</u>	<u>4,243.00</u>	<u>4,354.00</u>
b.	<u>Finfish hatching and rearing - General Permit Coverage</u>	<u>2,972.00</u>	<u>3,050.00</u>
c.	<u>Shellfish hatching</u>	<u>146.00</u>	<u>150.00</u>
<u>Aquatic Pest Control</u>			
a.	<u>Irrigation Districts</u>	<u>319.00</u>	<u>327.00</u>
b.	<u>Mosquito Control Districts</u>	<u>319.00</u>	<u>327.00</u>
c.	<u>Noxious</u>	<u>319.00</u>	<u>327.00</u>
d.	<u>Nuisance Weed Control Only</u>	<u>319.00</u>	<u>327.00</u>
e.	<u>Oyster Growers</u>	<u>319.00</u>	<u>327.00</u>
f.	<u>Rotenone Control</u>	<u>319.00</u>	<u>327.00</u>
<u>Boat Yards - Individual Permit Coverage</u>			
a.	<u>With storm water only discharge</u>	<u>362.00</u>	<u>371.00</u>
b.	<u>All others</u>	<u>725.00</u>	<u>744.00</u>
<u>Boat Yards - General Permit Coverage</u>			
a.	<u>With storm water only discharge</u>	<u>252.00</u>	<u>259.00</u>
b.	<u>All others</u>	<u>509.00</u>	<u>522.00</u>

	<u>FY 2005</u> <u>ANNUAL</u> <u>PERMIT FEE</u>	<u>FY 2006</u> <u>ANNUAL</u> <u>PERMIT FEE AND</u> <u>BEYOND</u>
<u>INDUSTRIAL FACILITY CATEGORIES</u>		
<u>Coal Mining and Preparation</u>		
a. < 200,000 tons per year	<u>5,655.00</u>	<u>5,803.00</u>
b. 200,000 - < 500,000 tons per year	<u>12,731.00</u>	<u>13,065.00</u>
c. 500,000 - < 1,000,000 tons per year	<u>22,632.00</u>	<u>23,225.00</u>
d. 1,000,000 tons per year and greater	<u>42,435.00</u>	<u>43,547.00</u>
<u>Combined Industrial Waste Treatment</u>		
a. < 10,000 gpd	<u>2,829.00</u>	<u>2,903.00</u>
b. 10,000 - < 50,000 gpd	<u>7,071.00</u>	<u>7,256.00</u>
c. 50,000 - < 100,000 gpd	<u>14,145.00</u>	<u>14,516.00</u>
d. 100,000 - < 500,000 gpd	<u>28,290.00</u>	<u>29,031.00</u>
e. 500,000 gpd and greater	<u>42,435.00</u>	<u>43,547.00</u>
<u>Combined Food Processing Waste Treatment Facilities</u>		
	<u>13,542.00</u>	<u>13,897.00</u>
<u>Combined Sewer Overflow System</u>		
a. < 50 acres	<u>2,829.00</u>	<u>2,903.00</u>
b. 50 - < 100 acres	<u>7,071.00</u>	<u>7,256.00</u>
c. 100 - < 500 acres	<u>8,490.00</u>	<u>8,712.00</u>
d. 500 acres and greater	<u>11,316.00</u>	<u>11,612.00</u>
<u>Commercial Laundry</u>		
	<u>362.00</u>	<u>371.00</u>
<u>Concentrated Animal Feeding Operation</u>		
a. < 200 Animal Units	<u>145.00</u>	<u>149.00</u>
b. 200 - < 400 Animal Units	<u>362.00</u>	<u>371.00</u>
c. 400 - < 600 Animal Units	<u>725.00</u>	<u>744.00</u>
d. 600 - < 800 Animal Units	<u>1,087.00</u>	<u>1,115.00</u>
e. 800 Animal Units and greater	<u>1,451.00</u>	<u>1,489.00</u>
<u>Crop Preparing - Individual Permit Coverage</u>		
a. 0 - < 1,000 bins/yr.	<u>282.00</u>	<u>289.00</u>
b. 1,000 - < 5,000 bins/yr.	<u>566.00</u>	<u>581.00</u>
c. 5,000 - < 10,000 bins/yr.	<u>1,131.00</u>	<u>1,161.00</u>
d. 10,000 - < 15,000 bins/yr.	<u>2,265.00</u>	<u>2,324.00</u>
e. 15,000 - < 20,000 bins/yr.	<u>3,746.00</u>	<u>3,844.00</u>
f. 20,000 - < 25,000 bins/yr.	<u>5,233.00</u>	<u>5,370.00</u>
g. 25,000 - < 50,000 bins/yr.	<u>7,001.00</u>	<u>7,184.00</u>
h. 50,000 - < 75,000 bins/yr.	<u>7,780.00</u>	<u>7,984.00</u>
i. 75,000 - < 100,000 bins/yr.	<u>9,052.00</u>	<u>9,289.00</u>
j. 100,000 - < 125,000 bins/yr.	<u>11,316.00</u>	<u>11,612.00</u>
k. 125,000 - < 150,000 bins/yr.	<u>14,145.00</u>	<u>14,516.00</u>
l. 150,000 bins/yr. and greater	<u>16,974.00</u>	<u>17,419.00</u>
<u>Crop Preparing - General Permit Coverage</u>		
a. 0 - < 1,000 bins/yr.	<u>197.00</u>	<u>202.00</u>
b. 1,000 - < 5,000 bins/yr.	<u>396.00</u>	<u>406.00</u>
c. 5,000 - < 10,000 bins/yr.	<u>793.00</u>	<u>814.00</u>
d. 10,000 - < 15,000 bins/yr.	<u>1,585.00</u>	<u>1,627.00</u>
e. 15,000 - < 20,000 bins/yr.	<u>2,623.00</u>	<u>2,692.00</u>
f. 20,000 - < 25,000 bins/yr.	<u>3,664.00</u>	<u>3,760.00</u>

PROPOSED

INDUSTRIAL FACILITY CATEGORIES	FY 2005	FY 2006
	ANNUAL PERMIT FEE	ANNUAL PERMIT FEE AND BEYOND
g. <u>25,000 - < 50,000 bins/yr.</u>	<u>4,900.00</u>	<u>5,028.00</u>
h. <u>50,000 - < 75,000 bins/yr.</u>	<u>5,445.00</u>	<u>5,588.00</u>
i. <u>75,000 - < 100,000 bins/yr.</u>	<u>6,331.00</u>	<u>6,497.00</u>
j. <u>100,000 - < 125,000 bins/yr.</u>	<u>7,922.00</u>	<u>8,130.00</u>
k. <u>125,000 - < 150,000 bins/yr.</u>	<u>9,902.00</u>	<u>10,161.00</u>
l. <u>150,000 bins/yr. and greater</u>	<u>11,881.00</u>	<u>12,192.00</u>
<u>Dairies \$.50 per Animal Unit not to exceed \$1,015.00 for FY 2005 and \$1,042.00 for FY 2006 and beyond</u>		
<u>Facilities Not Otherwise Classified - Individual Permit Coverage</u>		
a. <u>< 1,000 gpd</u>	<u>1,415.00</u>	<u>1,452.00</u>
b. <u>1,000 - < 10,000 gpd</u>	<u>2,829.00</u>	<u>2,903.00</u>
c. <u>10,000 - < 50,000 gpd</u>	<u>7,072.00</u>	<u>7,257.00</u>
d. <u>50,000 - < 100,000 gpd</u>	<u>11,316.00</u>	<u>11,612.00</u>
e. <u>100,000 - < 500,000 gpd</u>	<u>22,519.00</u>	<u>23,109.00</u>
f. <u>500,000 - < 1,000,000 gpd</u>	<u>28,289.00</u>	<u>29,030.00</u>
g. <u>1,000,000 gpd and greater</u>	<u>42,435.00</u>	<u>43,547.00</u>
<u>Facilities Not Otherwise Classified - General Permit Coverage</u>		
a. <u>< 1,000 gpd</u>	<u>992.00</u>	<u>1,018.00</u>
b. <u>1,000 - < 10,000 gpd</u>	<u>2,052.00</u>	<u>2,106.00</u>
c. <u>10,000 - < 50,000 gpd</u>	<u>4,952.00</u>	<u>5,082.00</u>
d. <u>50,000 - < 100,000 gpd</u>	<u>7,922.00</u>	<u>8,130.00</u>
e. <u>100,000 - < 500,000 gpd</u>	<u>15,841.00</u>	<u>16,256.00</u>
f. <u>500,000 - < 1,000,000 gpd</u>	<u>19,801.00</u>	<u>20,320.00</u>
g. <u>1,000,000 gpd and greater</u>	<u>29,705.00</u>	<u>30,483.00</u>
<u>Flavor Extraction</u>		
a. <u>Steam Distillation</u>	<u>145.00</u>	<u>149.00</u>
<u>Food Processing</u>		
a. <u>< 1,000 gpd</u>	<u>1,414.00</u>	<u>1,451.00</u>
b. <u>1,000 - < 10,000 gpd</u>	<u>3,605.00</u>	<u>3,699.00</u>
c. <u>10,000 - < 50,000 gpd</u>	<u>6,436.00</u>	<u>6,605.00</u>
d. <u>50,000 - < 100,000 gpd</u>	<u>10,113.00</u>	<u>10,378.00</u>
e. <u>100,000 - < 250,000 gpd</u>	<u>14,145.00</u>	<u>14,516.00</u>
f. <u>250,000 - < 500,000 gpd</u>	<u>18,602.00</u>	<u>19,089.00</u>
g. <u>500,000 - < 750,000 gpd</u>	<u>23,338.00</u>	<u>23,949.00</u>
h. <u>750,000 - < 1,000,000 gpd</u>	<u>28,289.00</u>	<u>29,030.00</u>
i. <u>1,000,000 - < 2,500,000 gpd</u>	<u>34,852.00</u>	<u>35,765.00</u>
j. <u>2,500,000 - < 5,000,000 gpd</u>	<u>38,898.00</u>	<u>39,917.00</u>
k. <u>5,000,000 gpd and greater</u>	<u>42,435.00</u>	<u>43,547.00</u>
<u>Fuel and Chemical Storage</u>		
a. <u>< 50,000 bbls</u>	<u>1,415.00</u>	<u>1,452.00</u>
b. <u>50,000 - < 100,000 bbls</u>	<u>2,829.00</u>	<u>2,903.00</u>
c. <u>100,000 - < 500,000 bbls</u>	<u>7,071.00</u>	<u>7,256.00</u>
d. <u>500,000 bbls and greater</u>	<u>14,145.00</u>	<u>14,516.00</u>

PROPOSED

	FY 2005 ANNUAL PERMIT FEE	FY 2006 ANNUAL PERMIT FEE AND BEYOND
<u>INDUSTRIAL FACILITY CATEGORIES</u>		
<u>Hazardous Waste Clean Up Sites</u>		
a. <u>Leaking Underground Storage Tanks (LUST)</u>		
1. <u>State Permit</u>	<u>3,710.00</u>	<u>3,807.00</u>
2. <u>NPDES Permit Issued pre 7/1/94</u>	<u>3,710.00</u>	<u>3,807.00</u>
3. <u>NPDES Permit Issued post 7/1/94</u>	<u>7,420.00</u>	<u>7,614.00</u>
b. <u>Non-LUST Sites</u>		
1. <u>1 or 2 Contaminants of concern</u>	<u>7,254.00</u>	<u>7,444.00</u>
2. <u>> 2 Contaminants of concern</u>	<u>14,508.00</u>	<u>14,888.00</u>
<u>Ink Formulation and Printing</u>		
a. <u>Commercial Print Shops</u>	<u>2,176.00</u>	<u>2,233.00</u>
b. <u>Newspapers</u>	<u>3,628.00</u>	<u>3,723.00</u>
c. <u>Box Plants</u>	<u>5,803.00</u>	<u>5,955.00</u>
d. <u>Ink Formulation</u>	<u>7,254.00</u>	<u>7,444.00</u>
<u>Inorganic Chemicals Manufacturing</u>		
a. <u>Lime Products</u>	<u>7,071.00</u>	<u>7,256.00</u>
b. <u>Fertilizer</u>	<u>8,513.00</u>	<u>8,736.00</u>
c. <u>Peroxide</u>	<u>11,316.00</u>	<u>11,612.00</u>
d. <u>Alkaline Earth Salts</u>	<u>14,145.00</u>	<u>14,516.00</u>
e. <u>Metal Salts</u>	<u>19,800.00</u>	<u>20,319.00</u>
f. <u>Acid Manufacturing</u>	<u>28,284.00</u>	<u>29,025.00</u>
g. <u>Chlor-alkali</u>	<u>56,580.00</u>	<u>58,062.00</u>
<u>Iron and Steel</u>		
a. <u>Foundries</u>	<u>14,145.00</u>	<u>14,516.00</u>
b. <u>Mills</u>	<u>28,315.00</u>	<u>29,057.00</u>
<u>Metal Finishing</u>		
a. <u>< 1,000 gpd</u>	<u>1,696.00</u>	<u>1,740.00</u>
b. <u>1,000 - < 10,000 gpd</u>	<u>2,828.00</u>	<u>2,902.00</u>
c. <u>10,000 - < 50,000 gpd</u>	<u>7,070.00</u>	<u>7,255.00</u>
d. <u>50,000 - < 100,000 gpd</u>	<u>14,144.00</u>	<u>14,515.00</u>
e. <u>100,000 - < 500,000 gpd</u>	<u>28,288.00</u>	<u>29,029.00</u>
f. <u>500,000 gpd and greater</u>	<u>42,433.00</u>	<u>43,545.00</u>
<u>Noncontact Cooling Water With Additives - Individual Permit Coverage</u>		
a. <u>< 1,000 gpd</u>	<u>885.00</u>	<u>908.00</u>
b. <u>1,000 - < 10,000 gpd</u>	<u>1,235.00</u>	<u>1,267.00</u>
c. <u>10,000 - < 50,000 gpd</u>	<u>2,654.00</u>	<u>2,724.00</u>
d. <u>50,000 - < 100,000 gpd</u>	<u>6,190.00</u>	<u>6,352.00</u>
e. <u>100,000 - < 500,000 gpd</u>	<u>10,606.00</u>	<u>10,884.00</u>
f. <u>500,000 - < 1,000,000 gpd</u>	<u>15,031.00</u>	<u>15,425.00</u>
g. <u>1,000,000 - < 2,500,000 gpd</u>	<u>19,451.00</u>	<u>19,961.00</u>
h. <u>2,500,000 - < 5,000,000 gpd</u>	<u>23,867.00</u>	<u>24,392.00</u>
i. <u>5,000,000 gpd and greater</u>	<u>28,289.00</u>	<u>29,030.00</u>
<u>Noncontact Cooling Water With Additives - General Permit Coverage</u>		
a. <u>< 1,000 gpd</u>	<u>620.00</u>	<u>636.00</u>
b. <u>1,000 - < 10,000 gpd</u>	<u>1,237.00</u>	<u>1,269.00</u>

INDUSTRIAL FACILITY CATEGORIES	FY 2005 ANNUAL PERMIT FEE	FY 2006 ANNUAL PERMIT FEE AND BEYOND
c. <u>10,000 - < 50,000 gpd</u>	<u>1,858.00</u>	<u>1,907.00</u>
d. <u>50,000 - < 100,000 gpd</u>	<u>4,334.00</u>	<u>4,448.00</u>
e. <u>100,000 - < 500,000 gpd</u>	<u>7,425.00</u>	<u>7,620.00</u>
f. <u>500,000 - < 1,000,000 gpd</u>	<u>10,522.00</u>	<u>10,798.00</u>
g. <u>1,000,000 - < 2,500,000 gpd</u>	<u>13,615.00</u>	<u>13,972.00</u>
h. <u>2,500,000 - < 5,000,000 gpd</u>	<u>16,707.00</u>	<u>17,145.00</u>
i. <u>5,000,000 gpd and greater</u>	<u>19,801.00</u>	<u>20,320.00</u>
<u>Noncontact Cooling Water Without Additives - Individual Permit Coverage</u>		
a. <u>< 1,000 gpd</u>	<u>709.00</u>	<u>728.00</u>
b. <u>1,000 - < 10,000 gpd</u>	<u>1,415.00</u>	<u>1,452.00</u>
c. <u>10,000 - < 50,000 gpd</u>	<u>2,123.00</u>	<u>2,179.00</u>
d. <u>50,000 - < 100,000 gpd</u>	<u>4,952.00</u>	<u>5,082.00</u>
e. <u>100,000 - < 500,000 gpd</u>	<u>8,490.00</u>	<u>8,712.00</u>
f. <u>500,000 - < 1,000,000 gpd</u>	<u>12,022.00</u>	<u>12,337.00</u>
g. <u>1,000,000 - < 2,500,000 gpd</u>	<u>15,498.00</u>	<u>15,904.00</u>
h. <u>2,500,000 - < 5,000,000 gpd</u>	<u>19,095.00</u>	<u>19,595.00</u>
i. <u>5,000,000 gpd and greater</u>	<u>22,632.00</u>	<u>23,225.00</u>
<u>Noncontact Cooling Water Without Additives - General Permit Coverage</u>		
a. <u>< 1,000 gpd</u>	<u>496.00</u>	<u>509.00</u>
b. <u>1,000 - < 10,000 gpd</u>	<u>992.00</u>	<u>1,018.00</u>
c. <u>10,000 - < 50,000 gpd</u>	<u>1,486.00</u>	<u>1,525.00</u>
d. <u>50,000 - < 100,000 gpd</u>	<u>3,466.00</u>	<u>3,557.00</u>
e. <u>100,000 - < 500,000 gpd</u>	<u>5,941.00</u>	<u>6,097.00</u>
f. <u>500,000 - < 1,000,000 gpd</u>	<u>8,417.00</u>	<u>8,637.00</u>
g. <u>1,000,000 - < 2,500,000 gpd</u>	<u>10,892.00</u>	<u>11,177.00</u>
h. <u>2,500,000 - < 5,000,000 gpd</u>	<u>13,367.00</u>	<u>13,717.00</u>
i. <u>5,000,000 gpd and greater</u>	<u>15,841.00</u>	<u>16,256.00</u>
<u>Nonferrous Metals Forming</u>	<u>14,145.00</u>	<u>14,516.00</u>
<u>Ore Mining</u>		
a. <u>Ore Mining</u>	<u>2,829.00</u>	<u>2,903.00</u>
b. <u>Ore mining with physical concentration processes</u>	<u>5,656.00</u>	<u>5,804.00</u>
c. <u>Ore mining with physical and chemical concentration processes</u>	<u>22,632.00</u>	<u>23,225.00</u>
<u>Organic Chemicals Manufacturing</u>		
a. <u>Fertilizer</u>	<u>14,145.00</u>	<u>14,516.00</u>
b. <u>Aliphatic</u>	<u>28,289.00</u>	<u>29,030.00</u>
c. <u>Aromatic</u>	<u>42,435.00</u>	<u>43,547.00</u>
<u>Petroleum Refining</u>		
a. <u>< 10,000 bbls/d</u>	<u>28,289.00</u>	<u>29,030.00</u>
b. <u>10,000 - < 50,000 bbls/d</u>	<u>56,089.00</u>	<u>57,558.00</u>
c. <u>50,000 bbls/d and greater</u>	<u>113,164.00</u>	<u>116,129.00</u>
<u>Photofinishers</u>		
a. <u>< 1,000 gpd</u>	<u>1,131.00</u>	<u>1,161.00</u>
b. <u>1,000 gpd and greater</u>	<u>2,829.00</u>	<u>2,903.00</u>

INDUSTRIAL FACILITY CATEGORIES	FY 2005	FY 2006
	ANNUAL PERMIT FEE	ANNUAL PERMIT FEE AND BEYOND
<u>Power and/or Steam Plants</u>		
a. <u>Steam Generation - Nonelectric</u>	<u>5,655.00</u>	<u>5,803.00</u>
b. <u>Hydroelectric</u>	<u>5,655.00</u>	<u>5,803.00</u>
c. <u>Nonfossil Fuel</u>	<u>8,489.00</u>	<u>8,711.00</u>
d. <u>Fossil Fuel</u>	<u>22,632.00</u>	<u>23,225.00</u>
<u>Pulp, Paper and Paper Board</u>		
a. <u>Fiber Recyclers</u>	<u>14,143.00</u>	<u>14,514.00</u>
b. <u>Paper Mills</u>	<u>28,289.00</u>	<u>29,030.00</u>
c. <u>Groundwood Pulp Mills</u>		
1. <u>< 300 tons per day</u>	<u>42,435.00</u>	<u>43,547.00</u>
2. <u>> 300 tons per day</u>	<u>84,869.00</u>	<u>87,093.00</u>
d. <u>Chemical Pulp Mills w/o Chlorine Bleaching</u>	<u>113,157.00</u>	<u>116,122.00</u>
e. <u>Chemical Pulp Mills w/Chlorine Bleaching</u>	<u>127,301.00</u>	<u>130,636.00</u>
<u>Radioactive Effluents and Discharges (RED)</u>		
a. <u>< 3 waste streams</u>	<u>27,362.00</u>	<u>28,079.00</u>
b. <u>3 - < 8 waste streams</u>	<u>47,524.00</u>	<u>48,769.00</u>
c. <u>8 waste streams and greater</u>	<u>78,274.00</u>	<u>80,325.00</u>
	<u>19,882.00</u>	<u>20,403.00</u>
<u>RCRA Corrective Action Sites</u>		
<u>Seafood Processing</u>		
a. <u>< 1,000 gpd</u>	<u>1,415.00</u>	<u>1,452.00</u>
b. <u>1,000 - < 10,000 gpd</u>	<u>3,605.00</u>	<u>3,699.00</u>
c. <u>10,000 - < 50,000 gpd</u>	<u>6,436.00</u>	<u>6,605.00</u>
d. <u>50,000 - < 100,000 gpd</u>	<u>10,113.00</u>	<u>10,378.00</u>
e. <u>100,000 gpd and greater</u>	<u>14,145.00</u>	<u>14,516.00</u>
<u>Shipyards</u>		
a. <u>Per crane, travel lift, small boat lift</u>	<u>2,829.00</u>	<u>2,903.00</u>
b. <u>Per drydock under 250 ft in length</u>	<u>2,829.00</u>	<u>2,903.00</u>
c. <u>Per graving dock</u>	<u>2,829.00</u>	<u>2,903.00</u>
d. <u>Per marine way</u>	<u>4,243.00</u>	<u>4,354.00</u>
e. <u>Per sycrolift</u>	<u>4,243.00</u>	<u>4,354.00</u>
f. <u>Per drydock over 250 ft in length</u>	<u>5,656.00</u>	<u>5,804.00</u>
g. <u>In-water vessel maintenance</u>	<u>5,656.00</u>	<u>5,804.00</u>
<u>The fee for a facility in the shipyard category is the sum of the fees for the applicable units in the facility.</u>		
<u>Solid Waste Sites (nonstorm water)</u>		
a. <u>Nonputrescible</u>	<u>5,656.00</u>	<u>5,804.00</u>
b. <u>< 50 acres</u>	<u>11,315.00</u>	<u>11,611.00</u>
c. <u>50 - < 100 acres</u>	<u>22,632.00</u>	<u>23,225.00</u>
d. <u>100 - < 250 acres</u>	<u>28,289.00</u>	<u>29,030.00</u>
e. <u>250 acres and greater</u>	<u>42,435.00</u>	<u>43,547.00</u>
<u>Textile Mills</u>	<u>56,580.00</u>	<u>58,062.00</u>

<u>INDUSTRIAL FACILITY CATEGORIES</u>	<u>FY 2005 ANNUAL PERMIT FEE</u>	<u>FY 2006 ANNUAL PERMIT FEE AND BEYOND</u>
<u>Timber Products</u>		
a. <u>Log Storage</u>	<u>2,829.00</u>	<u>2,903.00</u>
b. <u>Veneer</u>	<u>5,656.00</u>	<u>5,804.00</u>
c. <u>Sawmills</u>	<u>11,316.00</u>	<u>11,612.00</u>
d. <u>Hardwood, Plywood</u>	<u>19,800.00</u>	<u>20,319.00</u>
e. <u>Wood Preserving</u>	<u>27,165.00</u>	<u>27,877.00</u>
<u>Vegetable/Bulb Washing Facilities</u>		
a. <u>< 1,000 gpd</u>	<u>93.00</u>	<u>95.00</u>
b. <u>1,000 - < 5,000 gpd</u>	<u>189.00</u>	<u>194.00</u>
c. <u>5,000 - < 10,000 gpd</u>	<u>372.00</u>	<u>382.00</u>
d. <u>10,000 - < 20,000 gpd</u>	<u>750.00</u>	<u>770.00</u>
e. <u>20,000 and greater</u>	<u>1,240.00</u>	<u>1,272.00</u>
<u>Vehicle Maintenance and Freight Transfer</u>		
a. <u>< 0.5 acre</u>	<u>2,829.00</u>	<u>2,903.00</u>
b. <u>0.5 - < 1.0 acre</u>	<u>5,656.00</u>	<u>5,804.00</u>
c. <u>1.0 acre and greater</u>	<u>8,489.00</u>	<u>8,711.00</u>
<u>Water Plants - Individual Permit Coverage</u>		
	<u>3,537.00</u>	<u>3,630.00</u>
<u>Water Plants - General Permit Coverage</u>		
	<u>2,476.00</u>	<u>2,541.00</u>
<u>Wineries</u>		
a. <u>< 500 gpd</u>	<u>288.00</u>	<u>296.00</u>
b. <u>500 - < 750 gpd</u>	<u>579.00</u>	<u>594.00</u>
c. <u>750 - < 1,000 gpd</u>	<u>1,158.00</u>	<u>1,188.00</u>
d. <u>1,000 - < 2,500 gpd</u>	<u>2,314.00</u>	<u>2,375.00</u>
e. <u>2,500 - < 5,000 gpd</u>	<u>3,692.00</u>	<u>3,789.00</u>
f. <u>5,000 gpd and greater</u>	<u>5,067.00</u>	<u>5,200.00</u>

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(a) Facilities other than those in the aggregate production, ((~~crop preparing~~;) shipyard, or RCRA categories that operate within several fee categories or subcategories, shall be charged from that category or subcategory with the highest fee.

(b) The total annual permit fee for a water treatment plant that primarily serves residential customers may not exceed three dollars per residential equivalent. The number of residential equivalents is determined by dividing the facility's annual gross revenue in the previous calendar year by the annual user charge for a single family residence that uses nine hundred cubic feet of water per month.

(c) Crop preparation and aggregate production permit holders are required to submit information to the department certifying annual production (calendar year) or unit processes. When required, the department will send the information form to the permit holder. The permit holder shall complete and return the information form to the department by the required due date. Failure to provide this information will result in a fee determination based on the highest subcategory the facility has received permit coverage in.

(i) Information submitted shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized general partner;

(C) In the case of a general partnership, by an authorized partner; or

(D) In the case of a sole proprietorship, by the proprietor.

(ii) The department may verify information submitted and, if it determines that false or inaccurate statements have been made, it may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(d) Fees for crop preparers discharging only noncontact cooling water without additives shall pay the lesser of the applicable fee in the crop preparing or noncontact cooling water without additives categories.

(e) Where no clear industrial facility category exists for placement of a permit holder, the department may elect to place the permit holder in a category with dischargers or permit holders that contain or use similar properties or processes and/or a category which contains similar permitting complexities to the department.

(f) Hazardous waste clean up sites and EPA authorized RCRA corrective action sites with whom the department has

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begun cost recovery through chapter 70.105D RCW shall not pay a permit fee under chapter 173-224 WAC until such time as the cost recovery under chapter 70.105D RCW ceases.

(g) Any permit holder, with the exception of nonoperating aggregate operations or a permitted portable facility, who has not been in continuous operation within a consecutive eighteen-month period or who commits to not being in operation for a consecutive eighteen-month period or longer can have their permit fee reduced to twenty-five percent of the fee that they would be otherwise assessed. This nonoperating mode must be verified by the appropriate ecology staff. Once operations resume, the permit fee will be returned to the full amount.

Facilities who commit to the minimum eighteen-month nonoperating mode but go back into operation during the same eighteen-month period will be assessed permit fees as if they were active during the entire period.

(h) Facilities with subcategories based on gallons per day (gpd) shall have their annual permit fee determined by using the maximum daily flow or maximum monthly average permitted flow in gallons per day as specified in the waste discharge permit, whichever is greater.

(i) RCRA corrective action sites requiring a waste discharge permit will be assessed a separate permit fee regardless of whether the discharge is authorized by a separate permit or by a modification to an existing permit for a discharge other than that resulting from the corrective action.

(3) MUNICIPAL/DOMESTIC FACILITIES

(a) The annual permit fee for a permit held by a municipality for a domestic wastewater facility issued under RCW 90.48.162 or 90.48.260 is determined as follows:

	FY-2003 Annual Permit Fee	FY-2004 Annual Permit Fee and Beyond
Residential Equivalents (RE)		
<250,000	\$1.63	\$1.68
>250,000	.99	1.02

(ii) ~~Municipal storm water permit annual fee for only those entities listed below will be:~~

Name of Entity	FY-2003 Annual Permit Fee	FY-2004 Annual Permit Fee and Beyond
King County	\$30,276.00	\$31,272.00
Snohomish County	30,276.00	31,272.00
Pierce County	30,276.00	31,272.00
Tacoma, City of	30,276.00	31,272.00
Seattle, City of	30,276.00	31,272.00
Department of Transportation	30,276.00	31,272.00
Clark County	30,276.00	31,272.00))

Residential Equivalents (RE)	FY 2005 Annual Permit Fee	FY 2006 Annual Permit Fee and Beyond
< 250,000	\$ 1.73	\$ 1.78
> 250,000	1.05	1.08

~~((Facilities listed in (a)(ii) of this subsection shall pay an annual fee for fiscal year 2000 and fiscal year 2001 regardless of the permit issuance date or the number of municipal storm water permits under which they are covered.))~~

(b) The annual permit fee under RCW 90.48.162 or 90.48.260 that is held by a municipality which:

(i) Holds more than one permit for domestic wastewater facilities; and

(ii) Treats each domestic wastewater facility as a separate accounting entity, is determined as in (a) of this subsection.

A separate accounting entity is one that maintains separate funds or accounts for each domestic wastewater facility. Revenues are received from the users to pay for the costs of operating that facility.

(c) The sum of the annual permit fees for permits held by a municipality that:

(i) Holds more than one permit for domestic wastewater facilities issued under RCW 90.48.162 or 90.48.260; and

(ii) Does not treat each domestic wastewater facility as a separate accounting entity, as described in (b) of this subsection, is determined as in (a) of this subsection.

(d) The permit fee for a privately-owned domestic wastewater facility that primarily serves residential customers is determined as in (a) of this subsection. Residential customers are those whose lot, parcel or real estate, or building is primarily used for domestic dwelling purposes.

(e) The annual permit fee for privately owned domestic wastewater facilities must be determined by using the maximum daily flow or maximum monthly average permitted flow in million gallons per day, whichever is greater, as specified in the waste discharge permit. Permit fees for privately-owned domestic wastewater facilities that do not serve primarily residential customers and for state-owned domestic wastewater facilities are the following:

	FY-2003 Annual Permit Fee	FY-2004 Annual Permit Fee and Beyond
Permitted Flows		
.1 MGD and Greater	\$6,644.00	\$6,863.00
.05 MGD to <.1 MGD	2,658.00	2,746.00
.0008 MGD to <.05 MGD	1,329.00	1,373.00
<.0008 MGD	400.00	413.00))

Permitted Flows	FY 2005 Annual Permit Fee	FY 2006 Annual Permit Fee and Beyond
.1 MGD and Greater	\$7,071.00	\$7,256.00
.05 MGD to <.1 MGD	2,829.00	2,903.00
.0008 MGD to <.05 MGD	1,415.00	1,452.00
<.0008 MGD	426.00	437.00

(f) The number of residential equivalents is calculated in the following manner:

(i) If the facility serves only single-family residences, the number of residential equivalents is the number of single-family residences that it served on January 1 of the previous calendar year.

(ii) If the facility serves both single-family residences and other classes of customers, the number of residential equivalents is calculated in the following manner:

(A) Calculation of the number of residential equivalents that the facility serves in its own service area. Subtract from the previous calendar year's gross revenue:

(I) Any amounts received from other municipalities for sewage interception, treatment, collection, or disposal; and

(II) Any user charges received from customers for whom the permit holder pays amounts to other municipalities for sewage treatment or disposal services. Divide the resulting figure by the annual user charge for a single-family residence.

(B) Calculation of the number of residential equivalents that the facility serves in other municipalities which pay amounts to the facility for sewage interception, treatment, collection, or disposal:

(I) Divide any amounts received from other municipalities during the previous calendar year by the annual user charge for a single-family residence. In this case "annual user charge for a single-family residence" means the annual user charge that the facility charges other municipalities for sewage interception, treatment, collection, or disposal services for a single-family residence. If the facility charges different municipalities different single-family residential user fees, then the charge used in these calculations must be that which applies to the largest number of single-family residential customers. Alternatively, if the facility charges different municipalities different single-family residential user fees, the permit holder may divide the amount received from each municipality by the annual user charge that it charges that municipality for a single-family residence and sum the resulting figures.

(II) If the facility does not charge the other municipality on the basis of a fee per single-family residence, the number of residential equivalents in the other municipality is calculated by dividing its previous calendar year's gross revenue by its annual user fee for a single-family residence. If the other municipality does not maintain data on its gross revenue, user fees, and/or the number of single-family residences that it serves, the number of residential equivalents is calculated as in (f)(iv) of this subsection.

(III) If the other municipality serves only single-family residences, the number of residential equivalents may be calculated as in (f)(i) of this subsection.

The sum of the resulting figures is the number of residential equivalents that the facility serves in other municipalities.

(C) The number of residential equivalents is the sum of the number of residential equivalents calculated in (f)(ii)(A) and (B) of this subsection.

(iii) The annual user fee for a single-family residence is calculated by either of the following methods, at the choice of the permit holder:

(A) The annual user fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed monthly, this is calculated by multiplying by twelve the monthly user fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed bimonthly, the annual user fee is calculated by multiplying by six the bimonthly user fee for a single-family residence using one thousand eight hundred cubic feet of water per two-month period. If the user fee for a single-family residence

varies, depending on age, income, location, etc., then the fee used in these calculations must be that which applies to the largest number of single-family residential customers.

(B) The average annual user fee for a single-family residence. This average is calculated by dividing the previous calendar year's gross revenue from provision of sewer services to single-family residences by the number of single-family residences served on January 1 of the previous calendar year. If the user fee for a single-family residence varies, depending on age, income, location, etc., then the gross revenue and number of single-family residences used in making this calculation must be those for all the single-family residential customers.

In either case, (f)(iii)(A) or (B) of this subsection, the permit holder must provide the department with a copy of its complete sewer rate schedule for all classes of customers.

(iv) If a permit holder does not maintain data on its gross revenue, user fees, and/or the number of single-family residences that it serves, and therefore cannot use the methods described in (f)(i) or (ii) of this subsection to calculate the number of residential equivalents that it serves, then the number of residential equivalents that it serves is calculated by dividing the average daily influent flow to its facility for the previous calendar year by two hundred fifty gallons. This average is calculated by summing all the daily flow measurements taken during the previous calendar year and then dividing the resulting sum by the number of days on which flow was measured. Data for this calculation must be taken from the permit holder's discharge monitoring reports. Permit holders using this means of calculating the number of their residential equivalents must submit with their application a complete set of copies of their discharge monitoring reports for the previous calendar year.

(g) Fee calculation procedures for holders of permits for domestic wastewater facilities.

(i) Municipalities holding permits for domestic wastewater facilities issued under RCW 90.48.162 and 90.48.260, and holders of permits for privately-owned domestic wastewater facilities that primarily serve residential customers must complete a form certifying the number of residential equivalents served by their domestic wastewater system. The form must be completed and returned to the department within thirty days after it is mailed to the permit holder by the department. Failure to return the form could result in permit termination.

(ii) The form shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized partner;

(C) In the case of a general partnership, by an authorized partner;

(D) In the case of a sole proprietorship, by the proprietor;

or
(E) In the case of a municipal or other public facility, by either a ranking elected official or a principal executive officer.

(iii) The department may verify the information contained in the form and, if it determines that the permit holder

has made false statements, may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(4) STORM WATER PERMIT COVERAGES (UNLESS SPECIFICALLY CATEGORIZED ELSEWHERE IN WAC 173-224-040(2))

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	<u>FY 2005</u> <u>Annual Permit Fee</u>	<u>FY 2006</u> <u>Annual Permit</u> <u>Fee & Beyond</u>
a. <u>Individual Construction or Industrial Storm Water Permits</u>		
1. <u>< 50 acres</u>	<u>\$2,829.00</u>	<u>\$2,903.00</u>
2. <u>50 -< 100 acres</u>	<u>\$5,655.00</u>	<u>\$5,803.00</u>
3. <u>100 -< 500 acres</u>	<u>\$8,489.00</u>	<u>\$8,711.00</u>
4. <u>500 acres and greater</u>	<u>\$11,316.00</u>	<u>\$11,612.00</u>
b. <u>Facilities Covered Under the Industrial Storm Water General Permit</u>		
1. <u>Municipalities and state agencies</u>	<u>\$650.00</u>	<u>\$950.00</u>
2. <u>New permit holders without historical gross revenue information</u>	<u>\$375.00</u>	<u>\$500.00</u>
3. <u>The permit fee for all other permit holders shall be based on the gross revenue of the business for the previous calendar year</u>		
<u>Gross Revenue</u>		
<u>Less than \$100,000</u>	<u>\$100.00</u>	<u>\$105.00</u>
<u>\$100,000 -< \$1,000,000</u>	<u>\$375.00</u>	<u>\$500.00</u>
<u>\$1,000,000 -< \$2,500,000</u>	<u>\$400.00</u>	<u>\$600.00</u>
<u>\$2,500,000 -< \$5,000,000</u>	<u>\$675.00</u>	<u>\$1,000.00</u>
<u>\$5,000,000 -< \$10,000,000</u>	<u>\$1,000.00</u>	<u>\$1,500.00</u>
<u>\$10,000,000 and greater</u>	<u>\$1,200.00</u>	<u>\$1,800.00</u>

To be eligible for less than the maximum permit fee, the permit holder must provide documentation to substantiate the gross revenue claims. Documentation shall be provided annually in a manner prescribed by the department. The documentation shall bear a certification of correctness and be signed:

(a) In the case of a corporation, by an authorized corporate officer;

(b) In the case of a limited partnership, by an authorized general partner;

(c) In the case of a general partnership, by an authorized partner; or

(d) In the case of a sole proprietorship, by the proprietor.

The department may verify the information contained in the submitted documentation and, if it determines that the permit holder has made false statements, may deny the adjustment, revoke previously granted fee adjustments, and/or take such other actions deemed appropriate or required under state or federal law.

c. Construction Activities Covered Under the Construction Storm Water General Permit(s)

1. <u>Less than 5 acres disturbed area</u>	<u>\$350.00</u>	<u>\$375.00</u>
2. <u>5 -< 7 acres of disturbed area</u>	<u>\$400.00</u>	<u>\$610.00</u>
3. <u>7 -< 10 acres of disturbed area</u>	<u>\$550.00</u>	<u>\$825.00</u>
4. <u>10 -< 20 acres of disturbed area</u>	<u>\$750.00</u>	<u>\$1,125.00</u>
5. <u>20 acres and greater of disturbed area</u>	<u>\$925.00</u>	<u>\$1,400.00</u>

(5) MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMITS

(a) Except as provided for in (d) of this subsection, the municipal storm water permit annual fee for the entities listed below will be:

<u>Name of Entity</u>	<u>FY 2005</u> <u>Annual Permit</u> <u>Fee</u>	<u>FY 2006 Annual</u> <u>Permit Fee and</u> <u>Beyond</u>
<u>King County</u>	<u>\$32,220.00</u>	<u>\$33,064.00</u>
<u>Snohomish County</u>	<u>32,220.00</u>	<u>33,064.00</u>

<u>Name of Entity</u>	<u>FY 2005</u> <u>Annual Permit</u> <u>Fee</u>	<u>FY 2006 Annual</u> <u>Permit Fee and</u> <u>Beyond</u>
<u>Pierce County</u>	<u>32,220.00</u>	<u>33,064.00</u>
<u>Tacoma, City of</u>	<u>32,220.00</u>	<u>33,064.00</u>
<u>Seattle, City of</u>	<u>32,220.00</u>	<u>33,064.00</u>
<u>Washington Department of Transportation</u>	<u>32,220.00</u>	<u>33,064.00</u>
<u>Clark County</u>	<u>32,220.00</u>	<u>33,064.00</u>

(b) Municipal storm water general permit fees for cities and counties, except as otherwise provided for in (a), (c), and (d) of this subsection, will be determined in the following manner: \$1.00 per housing unit inside the geographic area covered by the permit for those cities and counties whose median household income exceeds the state average. Cities and counties whose median household income is less than the state average will have their fee per housing unit reduced to \$.50 per housing unit inside the geographic area covered by the permit. Fees for these entities will begin in fiscal year 2006 and will not exceed \$33,064.00. The minimum annual fee will not be lower than \$1,500.00 unless the permitted city or county has a median household income less than the state average. In this case, the city or county will pay a fee totaling \$.50 per housing unit.

(c) Other entities required to have permit coverage under a municipal storm water general permit will pay an annual fee beginning in fiscal year 2006 totaling \$1,500.00.

(d) Municipal storm water permits written specifically for a single entity, such as a single city, county, or agency, issued after the effective date of this rule will have its annual fee determined in the following manner:

(i) For cities and counties listed in (a) of this subsection, the fee shall be five times the amount identified.

(ii) For cities and counties whose median household income exceeds the state average, the fee shall be the higher of either five times the otherwise applicable general permit fee or \$30,000. For municipalities whose median household income is less than the state average, the fee shall be the higher of 2.5 times the otherwise applicable general permit fee or \$15,000.

(iii) For entities that would otherwise be covered under a municipal storm water general permit as determined in (c) of this subsection, the fiscal year 2006 annual fee for a permit written for a specific entity shall be \$7,500.

AMENDATORY SECTION (Amending WSR 02-12-059, filed 5/30/02, effective 6/30/02)

WAC 173-224-050 Permit fee computation and payments. (1) The department shall charge permit fees based on the permit fee schedule contained in WAC 173-224-040. The department may charge fees at the beginning of the year to which they apply. The department shall notify permit holders of fee charges by mailing billing statements. Permit fees must be received by the department within forty-five days after the department mails a billing statement. The department may elect to bill permit holders a prorated portion of the annual fee on a monthly, quarterly, or other periodic basis.

(2) Permit fee computation for individual permits. Computation of permit fees shall begin on the first day of each fiscal year. In the case of facilities or activities not previously covered by permits, fee computation begins on the issuance date of the permit excluding permits issued for aquatic pest control. Permits issued for aquatic pest control fee category shall pay the full annual fee assessment regardless of when permit coverage is granted. In the case of applicants for state waste discharge permits who are deemed to have a temporary permit under RCW 90.48.200, computation shall begin on the sixty-first day after the department accepts a completed

application. In the case of NPDES permit holders who submit a new, updated permit application containing information that could change their assigned permit fee, computation and permit fee category reassignment begins upon acceptance of the application by the department. Any facility that obtains permit coverage but fails to operate will still be obligated to pay the annual permit fee assessment until the permit has been terminated by the department. Permits terminated during the fiscal year will have their fees prorated, excluding permits issued for aquatic pest control, as follows unless it results in an annual fee assessment of less than one hundred dollars. Aquatic pest control permits issued during the fiscal year shall pay the full annual fee assessment regardless of when the permit termination is granted. Ecology will not process refunds of one hundred dollars or less:

(a) Permit coverage for up to three months will pay twenty-five percent of the annual permit fee;

(b) Permit coverage for three to six months will pay fifty percent of the annual permit fee;

(c) Permit coverage for six to nine months will pay seventy-five percent of the annual permit fee; and

(d) Permit coverage for nine months or greater will pay one hundred percent of the annual permit fee.

(3) Permit fee computation for general permits. Computation of fees for permittees covered under a general permit, excluding those general permits issued for aquatic pest control, begins on the permit coverage date. Permits issued for aquatic pest control will pay the full annual fee assessment regardless of when the permit coverage begins. Any facility that obtains permit coverage is obligated to pay the annual permit fee regardless of whether or not the facility has ever operated until the permit has been terminated by the department. Permits terminated during the fiscal year excluding permits issued for aquatic pest control will have their fees prorated as described in subsection (2)(a), (b), (c), (d) of this section unless it results in an annual fee assessment of less than one hundred dollars. Aquatic pest control permits issued during the fiscal year shall pay the annual fee assessment for that fiscal year regardless of when the permit termination is granted. Ecology will not process refunds of one hundred dollars or less.

(4) Permit fees for sand and gravel (aggregate) general permit holders will be assessed as in subsection (3) of this section and:

(a) Nonoperating aggregate sites. A facility conducting mining, screening, washing and/or crushing activities excluding portable rock crushing operations is considered nonoperating for fee purposes if they are conducting these activities for less than ninety cumulative days during a calendar year. A facility producing no asphalt and/or concrete during the calendar year is also considered nonoperating for fee purposes.

(b) Nonoperating sites that become active for only concrete and/or asphalt production will be assessed a prorated fee for the actual time inactive. For the actual time a concrete and/or asphalt facility is active excluding asphalt portable batch plants and concrete portable batch plants, fees will be based on total production of concrete and/or asphalt.

(c) Fees for continuously active sites that produce concrete and/or asphalt excluding asphalt portable batch plants and concrete portable batch plants, will be based on the aver-

age of the three previous calendar years production totals. Existing facilities must provide the department with the production totals for concrete and/or asphalt produced during the previous three calendar years or for the number of full calendar years of operation if less than three. New facilities with no historical asphalt and/or concrete production data will have their first year fee based on the production levels reported on the application for coverage under the National Pollutant Discharge Elimination System and State Waste Discharge Permit for Process Water, Storm Water, and Mine Dewatering Water Discharges Associated with Sand and Gravel Operations, Rock Quarries and Similar Mining Facilities including Stockpiles of Mined Materials, Concrete Batch Operations and Asphalt Batch Operations general permit. The second year fee will be determined based on the actual production during the first year and estimated production for the second year. The third year fee will be determined based on the average of actual production for the first two years and estimated for the third year. Fee calculation for subsequent years will be based on the average production values of previous years.

(d) Asphalt portable batch plants, concrete portable batch plants and portable rock crushing operations will be assessed fees as in subsection (3) of this section. Each permitted operation must commit to being shut down for a minimum of twelve calendar months before the status can be changed to nonoperating.

(5) Fees for crop preparation general permit holders will be assessed as in subsection (3) of this section and will be computed on the three previous calendar years production totals. Existing facilities must provide the department with the production totals in the manner described in WAC 173-224-040 (2)(d). New facilities with no historical production data will have their first year fee based on the estimated production level for that year. The second year fee will be determined based on the actual production during the first year and estimated production for the second year. The third year fee will be determined based on the average of actual production for the first two years and estimated for the third year. Fee calculation for subsequent years will be based on the average production values of previous years.

(6) Facilities with construction and industrial storm water general permit coverage will have their annual permit fees begin on the permit issuance date. Permit fee accrual will continue until the permit has been terminated by the department regardless if the activity covered under the permit has already ceased.

(7) Facilities with an existing NPDES and/or state wastewater discharge permit who also have obtained industrial and/or construction storm water general permit coverage shall only pay an annual fee based on the permit with the highest permit fee category assessment.

(8) Computation of fees shall end on the last day of the state's fiscal year, or in the case of a terminated permit, during the quarter the termination took place.

(9) The applicable permit fee shall be paid by check or money order payable to the "Department of Ecology" and mailed to the Wastewater Discharge Permit Fee Program, P.O. Box 5128, Lacey, Washington 98509-5128.

(10) In the event a check is returned due to insufficient funds, the department shall consider the permit fee to be unpaid.

(11) Delinquent accounts. Permit holders are considered delinquent in the payment of fees if the fees are not received by the first invoice billing due date. Delinquent accounts will be processed in the following manner:

(a) Municipal and government entities shall be notified by (~~certified~~) regular mail that they have forty-five days to bring the delinquent account up-to-date. Accounts that remain delinquent after forty-five days may receive a permit revocation letter for nonpayment of fees.

(b) Nonmunicipal or nongovernment permit holders shall be notified by the department by (~~certified~~) regular mail that they have forty-five days to bring the delinquent account up-to-date. Accounts that remain delinquent after forty-five days will be turned over for collection. In addition, a surcharge totaling twenty percent of the delinquent amount owed will also be added. The surcharge is to recover the costs for collection. If the collection agency fails to recover the delinquent fees after twelve months, the permit holder may receive a permit revocation letter for nonpayment of fees.

AMENDATORY SECTION (Amending Order 94-21, filed 1/10/96, effective 2/10/96)

WAC 173-224-090 Small business fee reduction. Except as noted in subsection (6) of this section, a small business required to pay a permit fee under an industrial facility category may receive a reduction of its permit fee.

(1) To qualify for the fee reduction, a business must:

(a) Be a corporation, partnership, sole proprietorship, or other legal entity formed for the purpose of making a profit;

(b) Be independently owned and operated from all other businesses (i.e., not a subsidiary of a parent company);

(c) Have annual sales of one million dollars or less of the goods or services produced using the processes regulated by the waste discharge permit; and

(d) Pay an annual wastewater discharge permit fee greater than five hundred dollars.

(2) To receive a fee reduction, the permit holder must submit an application in a manner prescribed by the department demonstrating that the conditions of subsection (1) of this section have been met. The application shall bear a certification of correctness and be signed:

(a) In the case of a corporation, by an authorized corporate officer;

(b) In the case of a limited partnership, by an authorized general partner;

(c) In the case of a general partnership, by an authorized partner; or

(d) In the case of a sole proprietorship, by the proprietor.

(3) The department may verify the information contained in the application and, if it determines that the permit holder has made false statements, may deny the fee reduction request and revoke previously granted fee reductions.

(4) The permit fee for small businesses determined to be eligible under subsection (1) of this section shall be reduced to fifty percent of the assessed annual permit fee.

(5) If the annual gross revenue of the goods and services produced using the processes regulated by the waste discharge permit is one hundred thousand dollars or less, and the annual permit fee assessed imposes an extreme hardship to the business, the small business may request an extreme hardship fee reduction. The small business must provide sufficient evidence to support its claim of an extreme hardship. In no case will a permit fee be reduced below one hundred dollars.

(6) Facilities covered under the industrial storm water general permit are not eligible for a small business fee reduction under this section.

WSR 04-08-111
PROPOSED RULES
LIQUOR CONTROL BOARD

[Filed April 6, 2004, 4:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-02-0741 [04-02-074].

Title of Rule: WAC 314-17-020 How long are the permits good for, and how does a permit holder renew?, 314-17-030 Are employers responsible to ensure that their employees hold an alcohol server permit?, 314-17-050 How can a person receive certification as a Class 12 mixologist or Class 13 server permit provider?, 314-17-055 Temporary certification as a provider, 314-17-060 What are the course standards for Class 12 mixologist and Class 13 server permits?, 314-17-065 How does a provider receive certification for its trainers?, 314-17-070 What criminal history would prevent a person from receiving certification to be a trainer?, 314-17-080 What are the age requirements for trainees to receive Class 12 mixologist and Class 13 server permits?, 314-17-085 What records does the provider or trainer need to provide to the board or keep on file?, 314-17-095 Is the provider responsible for the acts of its trainers?, and 314-17-105 What are the penalties if a permit holder violates the liquor laws?

Purpose: Require standardized exam. Allow the Liquor Control Board (LCB) to consider if a trainer or provider has been suspended in Washington or another state in the last five years. Prohibit stand-alone videotape training for the Class 12 permit. Require prospective trainers to attend the LCB's ID/over service training. Technical changes for clarification and to correct references to other WACs.

Statutory Authority for Adoption: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.

Statute Being Implemented: RCW 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350.

Summary: Require standardized exam. Allow the LCB to consider if a trainer or provider has been suspended in Washington or another state in the last five years. Prohibit stand-alone videotape training for the Class 12 permit. Require prospective trainers to attend the LCB's ID/over service training as a condition of certification. Technical changes for clarification and to correct references to other WACs.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, Rules Coordinator, 3000 Pacific Avenue S.E., Olympia, (360) 664-1648; Implementation and Enforcement: Lorraine Lee, Licensing and Regulation Director, 3000 Pacific Avenue S.E., Olympia, (360) 664-1600.

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:

- Require standardized exam. RCW 66.20.320 indicates that a MAST trainer's curriculum includes an exam. Having a standard exam would ensure that alcohol servers have adequate knowledge of important laws, rules, and techniques to prevent service of alcohol to minors and intoxicated persons.
- Allow the LCB to consider if a trainer or provider has been suspended in Washington or another state in the last five years. This requirement will help ensure that MAST trainers and providers are presenting effective training that meets the requirements outlined in law and rule.
- Prohibit stand-alone videotape training for the Class 12 permit. Due to the importance of this training, the participants of the course should have a trainer available to answer questions and concerns prior to a server taking the examination.
- Require prospective trainers to attend the LCB's ID/over service training as a condition of certification. Currently no formal training is required for anyone to become a MAST trainer. This requirement will ensure those teaching the classes are familiar with relevant liquor laws and rules.
- Technical changes for clarification and to correct references to other WACs.

Proposal Changes the Following Existing Rules:

- WAC 314-17-020 How long are the permits good for, and how does a permit holder renew? Clarify that, in order to renew a MAST permit, the mixologist or server must attend an alcohol server education course *prior to the expiration of the permit*.
- WAC 314-17-030 Are employers responsible to ensure that their employees hold an alcohol server permit? Clarify that the MAST permit is the property of the permit holder. Correct a cross-reference to another WAC.
- WAC 314-17-050 How can a person receive certification as a Class 12 mixologist or Class 13 server permit provider? Reference implementation of the proposed standardized exam. Clarify the renewal process. Allow the LCB to consider if a trainer or provider has been suspended in Washington or another state in the last five years.
- WAC 314-17-055 Temporary certification as a provider. Reference implementation of the proposed standardized exam.
- WAC 314-17-060 What are the course standards for Class 12 mixologist and Class 13 server permits?

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Prohibit stand-alone videotape training for Class 12 permits. Reference implementation of the proposed standardized exam. Technical changes for clarity.

- WAC 314-17-065 How does a provider receive certification for its trainers? Allow licensing to consider the prior history of a person applying to become a trainer or provider. Require prospective trainers to attend the LCB's ID/over service training. State that trainers must teach the provider's program as approved and may not change the method of presentation or course content without approval from the provider and the LCB.
- WAC 314-17-070 What criminal history would prevent a person from receiving certification to be a trainer? Changes for clarification.
- WAC 314-17-080 What are the age requirements for trainees to receive Class 12 mixologist and Class 13 server permits? Technical changes for clarification. Add language to address issuance of a Class 13 permit in error, consistent with existing language about issuance of Class 12 in error.
- WAC 314-17-085 What records does the provider or trainer need to provide to the board or keep on file? Add requirement from RCW 66.20.320(3) for clarity, that a trainer or provider must provide the LCB a list of the individuals receiving the Class 12 or 13 permits within three calendar days of the completion of the class. Add requirement for trainer to submit permits to the LCB within thirty days (language was inadvertently deleted in last review in 2001). Add language to allow the use of electronic in lieu of hard copies of the permit forms.
- WAC 314-17-095 Is the provider responsible for the acts of its trainers? Codify current policy that requires a provider that discovers a trainer has not complied with a provision of the alcohol server training requirements to contact the mandatory alcohol server training manager within five calendar days and provide an action plan.
- WAC 314-17-105 What are the penalties if a permit holder violates the liquor laws? Update WAC references. Add language to clarify that it is a penalty to falsify a permit, per RCW 66.20.310(2).

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposed rule changes do not impose more than minor costs on businesses in industry.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Liquor Control Board is not a listed agency in RCW 34.05.328.

Hearing Location: Liquor Control Board Headquarters, Board Room, 3000 Pacific Avenue S.E., Olympia, WA, on June 2, 2004, at 10:00 a.m.; and at the Liquor Control Board Distribution Center, 4401 East Marginal Way South, Seattle, WA, on June 8, 2004, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Teresa Berntsen by June 1, 2004, TDD (360) 586-4727 or (360) 664-1648.

Submit Written Comments to: Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, fax (360) 664-9689, by June 15, 2004.

Date of Intended Adoption: June 23, 2004.

April 6, 2004

Merritt D. Long

Chairman

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-09 issue of the Register.

WSR 04-08-115
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 (Board of Boiler Rules)
 [Filed April 6, 2004, 4:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-01-094.

Title of Rule: General fee increase for the Board of Boiler Rules (chapter 296-104 WAC).

Purpose: The Board of Boiler Rules is proposing a 3.2% (rounded down to the nearest tenth of a dollar) general fee increase. The 3.2% rate is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2004. The general fee increase is necessary to help offset inflation and to maintain the financial health and operational effectiveness of the program.

Statutory Authority for Adoption: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350.

Statute Being Implemented: Chapter 70.79 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Board of Boiler Rules, Tumwater, (360) 902-5270; Implementation and Enforcement: Robb Marvin, Tumwater, (360) 902-5270.

Name of Proponent: Board of Boiler Rules, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement was not prepared because of the exemption under RCW 34.05.328 (5)(b)(vi), since the changes in this rule making set or adjust fees.

RCW 34.05.328 does not apply to this rule adoption. Significant rule-making criteria do not apply to these rule changes because the exempt criteria outlined in RCW 34.05.328(5) were met.

Hearing Location: Labor and Industries Building, 950 Broadway, Suite 200, Tacoma, WA 98402-4453, on May 17, 2003 [2004], at 10:00 a.m.

Assistance for Persons with Disabilities: Christine Swanson by May 3, 2004, at (360) 902-6411 or copc235@lni.wa.gov for special assistance/accommodation needs.

Submit Written Comments to: Christine Swanson, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, e-mail copc235@lni.wa.gov, fax (360) 902-5292, by May 17, 2003 [2004]. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: May 31, 2004.

April 6, 2004
 Craig Hopkins, Chair
 Board of Boiler Rules

AMENDATORY SECTION (Amending WSR 04-01-194, filed 12/24/03, effective 1/24/04)

WAC 296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses? The following fees shall be paid by, or on behalf of, the owner or user upon the completion of the inspection. The inspection fees apply to inspections made by inspectors employed by the state.

Heating boilers:

	Internal	External
Cast iron—All sizes	((29.40)) <u>\$30.30</u>	((23.50)) <u>\$24.20</u>
All other boilers less than 500 sq. ft.	((35.40)) <u>\$36.50</u>	((23.50)) <u>\$24.20</u>
500 sq. ft. to 2500 sq. ft.	((59.00)) <u>\$60.80</u>	((29.40)) <u>\$30.30</u>
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	((23.50)) <u>\$24.20</u>	((11.70)) <u>\$12.00</u>

Power boilers:

	Internal	External
Less than 100 sq. ft.	((29.40)) <u>\$30.30</u>	((23.50)) <u>\$24.20</u>
100 sq. ft. to less than 500 sq. ft.	((35.40)) <u>\$36.50</u>	((23.50)) <u>\$24.20</u>
500 sq. ft. to 2500 sq. ft.	((59.00)) <u>\$60.80</u>	((29.40)) <u>\$30.30</u>
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	((23.50)) <u>\$24.20</u>	((11.70)) <u>\$12.00</u>

Pressure vessels:

Automatic utility hot water supply heaters per RCW 70.79.090		((5.70)) <u>\$5.80</u>
All other pressure vessels:		
Square feet shall be determined by multiplying the length of the shell by its diameter.		
	Internal	External
Less than 15 sq. ft.	((23.50)) <u>\$24.20</u>	((17.60)) <u>\$18.10</u>

15 sq. ft. to less than 50 sq. ft.	((35.40)) <u>\$36.50</u>	((17.60)) <u>\$18.10</u>
50 sq. ft. to 100 sq. ft.	((41.20)) <u>\$42.50</u>	((23.50)) <u>\$24.20</u>
For each additional 100 sq. ft. or any portion thereof	((41.20)) <u>\$42.50</u>	((11.70)) <u>\$12.00</u>

Certificate of inspection fees: For objects inspected, the certificate of inspection fee is ~~((17.60))~~ \$18.10 per object.

Boiler and pressure vessel installation/reinstallation permit (excludes inspection and certificate of inspection fee) ~~((50.00))~~ \$51.60

Nonnuclear shop inspections, field construction inspections, and special inspection services:

For each hour or part of an hour up to 8 hours	((35.40)) <u>\$36.50</u>
For each hour or part of an hour in excess of 8 hours	((53.00)) <u>\$54.60</u>

Nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit:

For each hour or part of an hour up to 8 hours	((53.00)) <u>\$54.60</u>
For each hour or part of an hour in excess of 8 hours	((82.60)) <u>\$85.20</u>

Nonnuclear triennial shop survey and audit:

When state is authorized inspection agency:	
For each hour or part of an hour up to 8 hours	((35.40)) <u>\$36.50</u>
For each hour or part of an hour in excess of 8 hours	((53.00)) <u>\$54.60</u>
When insurance company is authorized inspection agency:	
For each hour or part of an hour up to 8 hours	((53.00)) <u>\$54.60</u>
For each hour or part of an hour in excess of 8 hours	((82.60)) <u>\$85.20</u>

Examination fee: A fee of ~~((65.40))~~ \$67.40 will be charged for each applicant sitting for an inspection examination(s).

Special inspector commission: An initial fee of \$25 and an annual renewal fee of \$10 will be charged.

Expenses shall include:

Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection,

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audit, or survey. The department shall also charge the current Washington office of financial management accepted mileage cost fees or the actual cost of purchased transportation. Hotel and meals: Actual cost not to exceed the office of financial management approved rate.

Washington state specials: For each vessel to be considered by the board for a Washington state special certificate, a fee of (~~(\$327.60)~~) \$338.00 must be paid to the department before the board meets to consider the vessel. The board may, at its discretion, prorate the fee when a number of vessels that are essentially the same are to be considered.

WSR 04-08-119
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed April 7, 2004, 9:01 a.m.]

Original Notice.

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

Title of Rule: WAC 356-26-030 Register designation, 356-26-140 Background check requirements, and 356-30-330 Reduction in force—Reasons, regulations—Procedure.

Purpose: These rules pertain to register designation, background check requirements and reduction in force for general government state employees.

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

Summary: These modifications are necessary due to the passage of SB 5705 during the 2003 legislative session.

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

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules pertain to register designation, background check requirements and reduction in force for general government state employees SB 5705 enables the Department of Services for the Blind to conduct background checks on current employees in covering positions, on applicants for covered positions, and for student interns and volunteers.

Proposal Changes the Following Existing Rules: See above.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on May 13, 2004, at 10:00.

Assistance for Persons with Disabilities: Contact Department of Personnel by May 6, 2004, TDD (360) 753-4107 or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by May 7, 2004.

Date of Intended Adoption: May 13, 2004.

April 7, 2004

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 01-19-032, filed 9/13/01, effective 10/14/01)

WAC 356-26-030 Register designation. (1) Agency reduction in force.

(a) Composition.

(i) The agency reduction in force register will consist of classes and the names of all employees who hold or have held permanent status in those classes and: (A) Have been notified they are scheduled for reduction in force; or (B) held permanent status prior to separation due to a reduction in force; or (C) who have accepted a voluntary demotion in a class in lieu of a reduction in force; or (D) were in a trial service period with another department and separated due to reduction in force; or (E) employees requesting to be placed on this register for classes held immediately prior to the position being reallocated downward; or (F) who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the director of personnel a current statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status since the employee's last separation other than a reduction in force, or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the board at the time.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for three years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(ii) An employee's name shall not appear for classes at or below the range level of a class in which the employee is serving on a permanent full-time basis, except:

(A) When the employee has accepted an option beyond a reasonable commuting distance in lieu of separation due to reduction in force. The employee's name may appear for classes at the same or lower range levels when the availability would return the employee back to his/her previous work location.

(B) When the employee has accepted a position in lieu of separation due to a reduction in force, in a different class series.

(C) Any other exceptions shall be approved by the director or designee.

(2) Service-wide reduction in force.

(a) Composition.

(i) This register will consist of the same names as the agency reduction in force register, except for those requesting to be on the agency reduction in force register following a reallocation downward.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(3) Dual-agency reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency or a higher education institution were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

(4) Agency promotional.

(a) Composition.

(i) This register will be established by appropriate classes for each agency and shall include the names of those current permanent employees of each agency who have served six months of a probationary period, or past permanent employees who have been separated due to reduction in force within the last year and who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants. The names of employees in the department of social and health services or

department of services for the blind who have been separated from their position, voluntarily or involuntarily due to a background check disqualification, except through disciplinary action, shall also be included on this register in accordance with subsection (4)(d)(ii) of this section.

(b) Method of ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months.

(ii) An employee in the department of social and health services or department of services for the blind who has been separated from their position, voluntarily or involuntarily due to a background check disqualification, except through disciplinary action, may request placement on this register. The employee must meet the desirable qualifications and pass a qualifying exam for classes that are at the same salary level or lower than the position from which he/she was separated. Employees appointed from this register shall be required to serve a trial service period for classes in which they have not held permanent status. For three years from the date of separation from the position requiring the background check, an employee:

(A) May apply and have his/her name remain on this register for the appropriate classes.

(B) Shall continue to accrue seniority.

(C) Will maintain promotional rights from the position requiring the background check.

Upon appointment from this register the employee's name shall be removed from registers authorized by this subsection.

(5) Higher education reduction in force.

(a) Composition.

(i) This register shall contain the names of permanent employees ranked in order of seniority from higher education institutions or related boards laid off or scheduled for layoff and who have requested placement on this register. The employee's name shall appear for all classifications or equivalent classifications for which the employee held permanent status.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of the register.

(i) An eligible's name will normally remain on this register for two years from the date of placement on the register.

(d) Special provisions.

(i) The employee must request placement on this register within thirty calendar days of the effective date of layoff or previously have requested placement on the inter-system employment register due to layoff. The employee may request placement on lower classes in the same class series or equivalent classes and must demonstrate the ability to meet the minimum qualifications and pass the qualifying examination for classes in which the employee has held permanent status, or lower classes in the same class series, or equivalent

classes. Employees appointed from this register shall be required to complete a trial service period of six months.

(6) Service-wide reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency or higher education institution were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.

(7) Transfer.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) Method of ranking.

(i) This register will be unranked.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.

(8) Voluntary demotion.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.

(b) Method of ranking.

(i) This register shall be unranked. However, employees subject to reduction in force shall have priority.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.

(9) Service-wide promotional.

(a) Composition.

(i) This register shall contain the names of those permanent employees who have served six months of a probationary period or past permanent employees who have been separated due to reduction in force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were

separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score, from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months. Persons on this register will indicate the geographic areas and agencies for which they are available.

(10) Reemployment.

(a) Composition.

(i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within five years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction in force status and have been offered and declined employment. The director of personnel may extend the time during which an employee may apply for reemployment if the director of personnel has determined that a need for eligibles exists in a certain class and/or geographical area.

(b) Method of ranking.

(i) This register shall be unranked.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographic area.

(11) Inter-system employment.

(a) Composition. This register shall contain the names of permanent classified employees at higher education institutions who have submitted an application and who have passed the required examination.

(b) Method of ranking. This register shall be ranked according to final passing score from the highest to the lowest.

(c) Life of register. An eligible's name will normally remain on this register for one year.

(d) Special provisions. Employees appointed from this register will serve a six month trial service period.

(12) Open competitive.

(a) Composition.

- (i) This register will contain the names of all persons who have passed the entrance examination.
- (b) Method of ranking.
 - (i) This register shall be ranked by the final score.
 - (c) Life of register.
 - (i) An eligible's name will normally remain on this register for one year unless changed by the director of personnel.
 - (d) Special provisions.
 - (i) Persons on this register will indicate the geographic areas for which they are available.

AMENDATORY SECTION (Amending WSR 02-07-050, filed 3/14/02, effective 5/1/02)

WAC 356-26-140 Background check requirements—Department of social and health services and department of services for the blind. (1) The department of social and health services and department of services for the blind shall conduct background checks on employees in covered positions and persons under final consideration for a covered position in accordance with WAC 356-30-012 or WAC 67-16-040.

AMENDATORY SECTION (Amending WSR 01-19-032, filed 9/13/01, effective 10/14/01)

WAC 356-30-330 Reduction in force—Reasons, regulations—Procedure. (1) Employees may be separated in accordance with the statutes and the agencies' approved reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes, ineligibility to continue in a position which has been reallocated, or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of merit system rules.

(2) When employees have statutory and merit system rule rights to return to the classified service, such employees first shall be returned to the classification selected. If such return causes the total number of employees to exceed the number of positions to be filled in the classification, the least senior person in the position shall have the reduction in force rights prescribed in this section.

(3) The agencies shall develop a reduction in force procedure that is consistent with the following:

(a) For purposes of reduction in force (WAC 356-30-330), seniority shall be determined by the definition in WAC 356-05-390. Ties in seniority will be broken by first measuring the employees' last continuous time within their current classification; if the tie still exists, by measuring the employees' last continuous time in their current agency; and if the tie still exists, by lot.

(b) Clearly defined layoff units, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a valid option in lieu of separation cannot be offered to respective employees within a lesser-sized unit. Employment projects, established under the provisions of WAC 356-30-145, Project employment, are

distinct layoff units, separate and exclusive of any other defined layoff unit or employment project. Seasonal career layoff units, established under the provisions of WAC 356-30-130, Seasonal career employment, are distinct layoff units, separate and exclusive of any other defined layoff unit.

(c) Options in lieu of separation by reduction in force shall be offered by an agency only when such options are in accordance with the agency's reduction in force procedure which has been approved by the director of personnel.

(d) Agency reduction in force procedures shall specify the rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction in force.

(e) "Bumping" by employees with greater seniority will be limited to:

- (i) The same layoff unit; and
- (ii) Classification in which the "bumping" employee previously held permanent status; and
- (iii) Position at the current salary range of the employee doing the bumping, or lower; and
- (iv) Employee with the least seniority within the same category of full-time or part-time employment; and
- (v) Competition at one progressively lower classification at a time.

(f) An employee may not exercise a bumping option in lieu of separation due to a reduction in force if there is within the agency a vacant position which satisfies all of the criteria set forth below.

The position is one which:

- (i) The agency intends to fill;
- (ii) Is in the current classification of the employee being offered the option, or in a classification within which the employee being offered the option previously held permanent status;
- (iii) Is at a salary range no lower than the range that would have otherwise been a bumping option;
- (iv) Is located within a reasonable commuting distance of the employee's permanent work location; and
- (v) Is on the same or similar workshift as the one which the employee currently holds.

(g) When an employee has previously held permanent status in more than one classification at the same salary range and is eligible to bump, then the employee shall be offered the option to bump into the position occupied by the employee with the least seniority.

(h) The right to actually "bump" shall be exercised only after the employee to be "bumped" has received at least fifteen calendar days' notice of the scheduled action.

(i) Options of full-time positions will be offered first to full-time employees before part-time positions are offered. For the purpose of these offers, employees who previously accepted part-time positions due to a reduction in force action or to lessen the impact of a reduction in force shall be considered full-time employees.

(j) Seniority for part-time employees will be computed on a basic payroll hour basis within the same provision and restrictions of the general definition of seniority. When part-time employees become full-time employees, their payroll hours will be integrated on a comparable time basis as full-time employees.

(k) Permanent employees who have been scheduled for reduction in force shall have the right to take a transfer or a voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the director of personnel. This right is to be exercised according to the seniority of those desiring the same vacancy.

(l) Options of other than permanent positions as named in (m) of this subsection are to be made if no permanent position to be filled is available within a reasonable commuting distance.

(m) The reduction in force procedure shall contain the statement that, "No permanent employee shall be separated from state service through reduction in force without being offered within fifteen calendar days prior to what would be the permanent employee's effective separation those positions at the same or lesser salary range within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, probationary, or intermittent employees."

(n) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged.

(4) The agency shall submit the procedure to the director of personnel for approval.

(5) Vacancies will not be filled either by local list procedures or on a temporary, intermittent, or seasonal basis without contacting the department of personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction in force.

(6) When a majority of the positions in a layoff unit other than in project employment is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers. Such options shall be offered in accordance with the following requirements:

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the director of personnel.

(7) In order to exercise an option to a position which may require selective criteria, the following applies. The option may be exercised only by an employee who possesses the required specialized qualifications when:

(a) The criteria were approved when the position was established, reallocated or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) When, at a subsequent time, it was determined that the position requires the performance of specialized duties that would warrant future selective certification.

(d) In the case of (c) of this subsection, the selective criteria shall not be applied for the purposes of determining reduction in force options until six months after the notification of the new duties has been made to the department of personnel.

(e) In the case of (a), (b) and (c) of this subsection, the director of personnel or designee must have determined that the specialized qualifications are still essential for the successful job performance and the qualifications could not be learned within a reasonable length of time.

(8) Options to positions which are covered by WAC 356-30-012 or WAC 67-16-040 may be exercised only by employees who, at the time they are notified they are scheduled for reduction in force, have authorized a background check as provided for in WAC 356-30-012 or WAC 67-16-040 and are not disqualified for the available option as a result of the background check.

WSR 04-08-123

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed April 7, 2004, 9:08 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-05-085A.

Title of Rule: Amending WAC 388-550-3100 Calculating DRG relative weights.

Purpose: To allow the department to use a broader database for calculating relative weights for the diagnostic-related group (DRG) formula.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050.

Statute Being Implemented: RCW 74.08.090, 74.04.-050.

Summary: The proposed rule allows the department to calculate DRGs using a more realistic set of relative weights.

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504, (360) 725-1342; Implementation and Enforcement: John Hanson, P.O. Box 45510, Olympia, WA 98504, (360) 725-1856.

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: See Purpose and Summary above. The anticipated effect will be DRGs that reflect a more realistic set of relative weights.

Proposal Changes the Following Existing Rules: Adds language that allows the department to use non-Medicare specific data from other inpatient populations to establish

additional separate set(s) of non-Medicaid relative weights for calculating relative weights for the DRG formula.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the rules and concluded that no new costs will be imposed on small businesses.

RCW 34.05.328 does not apply to this rule adoption. The proposed rule is not a "significant legislative rule" as defined in RCW 34.05.328. The department is not making significant amendments to policy. The proposed rule amendment merely allows the department to use a broader database for calculating relative weights.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on May 11, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by May 7, 2004, phone (360) 664-6097, TTY (360) 664-6178, e-mail swensFH@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., May 11, 2004.

Date of Intended Adoption: Not sooner than May 12, 2004.

April 2, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-06-046, filed 2/26/99, effective 3/29/99)

WAC 388-550-3100 Calculating DRG relative weights. (1) ~~((MAA sets Washington Medicaid specific DRG relative weights, as follows))~~ This section describes how the medical assistance administration (MAA) calculates Washington diagnostic-related group (DRG) relative weights. MAA:

(a) ~~((Uses))~~ Classifies the Washington hospital admissions data using the all-patient grouper (AP-DRG) ((to classify Washington Medicaid hospital admissions data)).

(b) Statistically tests each DRG for adequacy of sample size to ensure that relative weights meet acceptable reliability and validity standards.

(c) Establishes a single set of Medicaid-specific relative weights from Washington ((Medicaid)) hospital admissions data. These relative weights may be stable or unstable.

(d) Tests the stability of ~~((Washington Medicaid))~~ the relative weights from subsection (1)(c) of this section using a reasonable statistical test to determine if the weights are stable. MAA accepts as stable and adopts those ~~((Washington Medicaid))~~ relative weights that pass the reasonable statistical test.

(e) ~~((Pays admissions for DRGs having unstable Washington Medicaid relative weights using the RCC method))~~ May compare the Medicaid-specific relative weights to non-Medicaid relative weights. MAA:

(i) May combine the Medicaid-specific relative weights with the non-Medicaid relative weights if the non-Medicaid relative weights are statistically comparable to the Medicaid-specific weights; or

(ii) Uses only the Medicaid-specific relative weights if the non-Medicaid relative weights are not statistically comparable to the Medicaid-specific relative weights.

(f) Uses the ratio of costs-to-charges (RCC) method to pay for hospital stays that have unstable DRG relative weights.

(2) When using ratios with a ~~((Washington Medicaid))~~ DRG relative weight as base, MAA adjusts all stable ~~((Medicaid))~~ relative weights so that the average weight of the case mix population equals 1.0.

WSR 04-08-124

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed April 7, 2004, 9:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-03-090.

Title of Rule: Amending WAC 388-550-4900 Disproportionate share payments, 388-550-5100 Payment method—MIDSH and 388-550-5200 Payment method—SRHAPDSH; and adopting new sections WAC 388-550-5210 Payment method—SRHIAAPDSH and 388-550-5220 Payment method—NRHIAAPDSH.

Purpose: To meet legislative requirements, the department is adding two new sections for the new small rural hospital indigent adult assistance program disproportionate share hospital (SRHIAAPDSH) disproportionate share hospital (DSH) and the nonrural hospital indigent adult assistance program disproportionate share hospital (NRHIAAPDSH) DSH programs. The new sections establish payment calculations for these programs. The rules also clarify and update payment methods for other DSH programs.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050.

Statute Being Implemented: RCW 74.08.090, 74.04.-050, 43.88.290, chapter 25, Laws of 2003 1st sp.s.

Summary: To meet legislative requirement by adding two new sections that establish the SRHIAAPDSH and NRHIAAPDSH programs and establish payment calculation methods for these programs. To clarify and update payment methods for other DSH programs.

Reasons Supporting Proposal: Per legislative direction in chapter 25, Laws of 2003 1st sp.s.

Name of Agency Personnel Responsible for Drafting: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504, (360) 725-1342; Implementation and Enforcement: John Hanson, P.O. Box 45510, Olympia, WA 98504, (360) 725-1856.

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: See Purpose, Summary and Reasons Supporting Proposal above.

The anticipated effects are:

- (1) MAA will be in compliance with legislative directive;
- (2) The rule will establish standards for two new DSH programs and to provide a basis for establishing application criteria and payment calculation methods for these programs.
- (3) The rule will mitigate the loss of the medically indigent (MI) program for the hospitals.
- (4) The rule will be clearer and up-to-date on current payment methods for the DSH programs.

Proposal Changes the Following Existing Rules: The proposed rule:

- (1) Adds a definition for "obstetric services" to clarify requirements for establishing DSH eligibility;
- (2) Adds language that MAA calculates each hospital's profitability margin based on the most recently completed year-end data using audited financial statements from the hospital; and
- (3) Describes how MAA determines a profit factor for each qualifying hospital at the time an SRHAPDSH payment is to be made.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the rules and concluded that no new costs will be imposed on small businesses. The rules help mitigate the termination on July 1, 2003, of the medically indigent (MI) program.

RCW 34.05.328 applies to this rule adoption. The department has determined that the rules meet the definition of a "significant legislative rule." A cost benefit analysis was completed and is available upon request from John Hanson, Medical Assistance Administration, P.O. Box 45510, Olympia, WA 98504, phone (360) 725-1856, fax (360) 753-9152, e-mail hansonjr@dshs.wa.gov.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on May 11, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by May 7, 2004, phone (360) 664-6097, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., May 11, 2004.

Date of Intended Adoption: Not sooner than May 12, 2004.

April 2, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-13-055, filed 6/12/03, effective 7/13/03)

WAC 388-550-4900 Disproportionate share payments. As required by section 1902 (a)(13)(A) of the Social Security Act, the medical assistance administration (MAA) gives consideration to hospitals that serve a disproportionate number of low-income clients with special needs by making a payment adjustment to eligible hospitals per legislative direction and established prospective payment methods. MAA considers this adjustment a disproportionate share hospital (DSH) payment.

(1) To qualify for a DSH payment for each state fiscal year (SFY), an in-state or border area hospital provider must submit to MAA (~~by certified mail~~), the hospital's completed and final DSH application by the due date specified in that year's application letter. The application due date will not be less than sixty days after MAA makes the application available.

(2) A hospital is a disproportionate share hospital eligible for the low-income disproportionate share hospital (LIDSH) program for a specific (~~state fiscal year~~) SFY() if the hospital submits a DSH application for that (~~respective~~) specific year in compliance with subsection (1) and if both the following apply:

(a) The hospital's Medicaid inpatient utilization rate (MIPUR) is at least one standard deviation above the mean Medicaid inpatient utilization rate for hospitals receiving Medicaid payments in the state, or its low-income utilization rate (LIUR) exceeds twenty-five percent; and

(b) (~~The hospital has~~) At least two obstetricians who have staff privileges at the hospital and (~~who~~) have agreed to provide obstetric services to eligible individuals at the hospital. For the purpose of establishing DSH eligibility, "obstetric services" is defined as routine nonemergency delivery of babies. This requirement for two obstetricians with staff privileges does not apply to a hospital:

(i) (~~The inpatients of which are~~) That provides inpatient services predominantly to individuals under eighteen years of age; or

(ii) (~~Which~~) That did not offer nonemergency obstetric services to the general public as of December 22, 1987, when section 1923 of the Social Security Act was enacted.

(3) For hospitals located in rural areas, "obstetrician" means any physician with staff privileges at the hospital to perform nonemergency obstetric procedures.

(4) MAA may consider a hospital a disproportionate share hospital for programs other than the LIDSH program if the hospital submits a DSH application (~~and complies with the following for the respective year~~) for the specific year and meets the following criteria for the year specified in the application:

(a) The hospital has a MIPUR of not less than one percent; and

(b) The hospital meets the requirement of subsection (2)(b) of this section.

(5) MAA administers the low-income disproportionate share (LIDSH) program and may administer any of the following DSH programs:

(a) Medically indigent disproportionate share hospital (MIDSH);

(b) General assistance-unemployable disproportionate share hospital (GAUDSH);

(c) Small rural hospital assistance program disproportionate share hospital (SRHAPDSH);

(d) Small rural hospital indigent adult assistance program disproportionate share hospital (SRHIAAPDSH);

(e) Nonrural hospital indigent adult assistance program disproportionate share hospital (NRHIAAPDSH);

(f) Teaching hospital assistance program disproportionate share hospital (THAPDSH);

~~((e))~~ (g) State teaching hospital financing program disproportionate share hospital (STHFPDSH);

~~((f))~~ (h) County teaching hospital financing program disproportionate share hospital (CTHFPDSH); and

~~((g))~~ (i) Public hospital district disproportionate share hospital (PHDDSH).

(6) MAA allows a hospital to receive any one or all of the DSH payment adjustments discussed in subsection (5) of this section when the hospital:

(a) Meets the requirements in subsection (4) of this section; and

(b) Meets the eligibility requirements for the particular DSH payment program, as discussed in WAC 388-550-5000 through 388-550-5400.

(7) MAA ensures each hospital's total DSH payments do not exceed the individual hospital's DSH limit, defined as:

(a) The cost to the hospital of providing services to Medicaid clients, including clients served under Medicaid managed care programs;

(b) Less the amount paid by the state under the non-DSH payment provision of the state plan;

(c) Plus the cost to the hospital of providing services to uninsured patients; ~~(and)~~

(d) Less any cash payments made by uninsured clients; and

(e) Plus any adjustments required and/or authorized by federal regulation.

(8) MAA's total annual DSH payments must not exceed the state's DSH allotment for the federal fiscal year.

If the MAA statewide allotment is exceeded, MAA may adjust future DSH payments to each hospital to compensate for the amount overpaid. Adjustments will be made in the following program order:

(a) PHDDSH;

(b) THAPDSH;

(c) CTHFPDSH;

(d) STHFPDSH;

(e) SRHAPDSH;

(f) NRHIAAPDSH;

(g) SRHIAAPDSH;

(h) MIDSH;

~~((g))~~ (i) GAUDSH; and

~~((h))~~ (j) LIDSH.

AMENDATORY SECTION (Amending WSR 03-13-055, filed 6/12/03, effective 7/13/03)

WAC 388-550-5100 Payment method—MIDSH. (1) The medical assistance administration (MAA) considers a

hospital eligible for the medically indigent disproportionate share hospital (MIDSH) payment if the hospital:

(a) Meets the criteria in WAC 388-550-4900 (2)(b) and (4);

(b) Is an in-state or border area hospital;

(c) ~~((Provides))~~ Provided services to clients under the medically indigent program for dates of services before July 1, 2003; and

(d) Has a low-income utilization rate of one percent or more.

(2) MAA determines the MIDSH payment for each eligible hospital, using a prospective payment method, in accordance with WAC 388-550-4800.

AMENDATORY SECTION (Amending WSR 03-13-055, filed 6/12/03, effective 7/13/03)

WAC 388-550-5200 Payment method—SRHAPDSH. (1) The medical assistance administration (MAA) makes small rural hospital assistance program disproportionate share hospital (SRHAPDSH) payments to qualifying small rural hospitals through the disproportionate share (DSH) program.

(2) To qualify for a SRHAPDSH payment, a hospital must:

(a) Meet the criteria in WAC 388-550-4900 (2)(b) and (4);

(b) Be an in-state hospital;

(c) Be a small rural hospital with fewer than seventy-five acute licensed beds; and

(d) ~~((Be located in a city or town that meets the following criteria:~~

~~((i))~~ For the SRHAPDSH program year to be implemented for state fiscal year (SFY) beginning July 1, 2002, the city or town must have a nonstudent population of fifteen thousand five hundred or less.

~~((ii))~~ ~~For each SRHAPDSH program year to be implemented)~~ For each subsequent SFY ~~((subsequent to July 1, 2002)),~~ the nonstudent population ~~((in (d)(i) of this subsection))~~ requirement is increased cumulatively by two percent.

(3) MAA pays hospitals qualifying for SRHAPDSH payments from a ~~((legislative))~~ legislatively appropriated pool. MAA determines each hospital's individual SRHAPDSH payment from the total dollars in the pool using percentages established through the following prospective payment method:

(a) At the time the SRHAPDSH payment is to be made, MAA ~~((identifies from historical data considered to be complete, each individual qualifying hospital's most current Medicaid reimbursement amount; then))~~ calculates each hospital's profitability margin based on the most recent, completed year-end data using audited financial statements from the hospital.

(b) ~~((Divides the Medicaid reimbursement amount by the total Medicaid payments made to all qualifying hospitals during the same period))~~ MAA determines the average profitability margin for the qualifying hospitals.

(c) Any hospital with a profitability margin of less than one hundred ten percent of the average profitability margin

for qualifying hospitals receives a profit factor of 1.1. All other hospitals receive a profit factor of 1.0.

(d) MAA:

(i) Identifies the individual hospital's most recent, completed SFY Medicaid reimbursement amounts. These amounts are based on historical data considered to be complete; then

(ii) Multiplies the Medicaid reimbursement amount by the individual hospital's assigned profit factor (1.1 or 1.0) to identify a revised Medicaid reimbursement amount; then

(iii) Divides the revised Medicaid reimbursement amount by the sum of the revised Medicaid reimbursement amounts for all qualifying hospitals during the same period.

(4) MAA's SRHAPDSH payments to a hospital may not exceed one hundred percent of the projected cost of care for Medicaid clients and uninsured indigent patients for that hospital unless an exception is identified by federal regulation. MAA reallocates dollars as defined in the state plan.

NEW SECTION

WAC 388-550-5210 Payment method—SRHIAAPDSH. (1) The medical assistance administration (MAA) makes small rural hospital indigent adult assistance program disproportionate share hospital (SRHIAAPDSH) payments to qualifying small rural hospitals through the disproportionate share (DSH) program.

(2) To qualify for an SRHIAAPDSH payment, a hospital must:

(a) Meet the criteria in WAC 388-550-4900 (2)(b) and (4);

(b) Be an in-state hospital that provided services to clients eligible under the medically indigent (MI) program during the most recent, completed fiscal year;

(c) Be a small rural hospital with fewer than seventy-five acute licensed beds; and

(d) For state fiscal year (SFY) beginning July 1, 2003, be located in a city or town that has a nonstudent population of fifteen thousand eight hundred ten or less. For each subsequent SFY, the nonstudent population requirement is increased cumulatively by two percent.

(3) MAA pays hospitals qualifying for SRHIAAPDSH payments from a legislatively appropriated pool. MAA determines each hospital's individual SRHIAAPDSH payment from the total dollars in the pool using percentages established through the following prospective payment method:

(a) At the time the SRHIAAPDSH payment is to be made, MAA calculates each hospital's profitability margin based on the most recent, completed year-end data using audited financial statements from the hospital.

(b) MAA determines the average profitability margin for the qualifying hospitals.

(c) Any hospital with a profitability margin of less than one hundred ten percent of the average profitability margin for qualifying hospitals receives a profit factor of 1.1. All other hospitals receive a profit factor of 1.0.

(d) MAA:

(i) Identifies from historical data considered to be complete, each individual qualifying hospital's inpatient and outpatient allowed charges for MAA's MI clients; then

(ii) Multiplies the total allowed charges by the hospital's ratio of costs-to-charges (RCC) to determine the hospital's MI costs; then

(iii) Multiplies the hospital's MI costs by the hospital's profit factor assigned in (c) of this subsection to identify a revised cost amount; then

(iv) Determines the hospital's percentage of revised costs by dividing its revised cost amount by the sum of the revised MI cost amounts for all qualifying hospitals during the same period.

(4) MAA's SRHIAAPDSH payments to a hospital may not exceed one hundred percent of the projected cost of care for Medicaid clients and uninsured indigent patients for that hospital unless an exception is identified by federal regulation. MAA reallocates dollars as defined in the state plan.

NEW SECTION

WAC 388-550-5220 Payment method—NRHIAAPDSH. (1) The medical assistance administration (MAA) makes nonrural hospital indigent adult assistance program disproportionate share hospital (NRHIAAPDSH) payments to qualifying nonrural hospitals through the disproportionate share (DSH) program.

(2) To qualify for an NRHIAAPDSH payment, a hospital must:

(a) Meet the criteria in WAC 388-550-4900 (2)(b) and (4);

(b) Be an in-state or border area hospital that provided services to clients eligible under the medically indigent (MI) program during the most recent, completed fiscal year; and

(c) Be a hospital that does not qualify as a small rural hospital as defined in WAC 388-550-5210.

(3) MAA pays hospitals qualifying for NRHIAAPDSH payments from a legislatively appropriated pool. MAA determines each hospital's individual NRHIAAPDSH payment from the total dollars in the pool using percentages established through the following prospective payment method:

(a) At the time the NRHIAAPDSH payment is to be made, MAA calculates each hospital's profitability margin based on the most recent, completed year-end data using audited financial statements from the hospital.

(b) MAA determines the average profitability margin for the qualifying hospitals.

(c) Any hospital with a profitability margin of less than one hundred ten percent of the average profitability margin for qualifying hospitals receives a profit factor of 1.1. All other hospitals receive a profit factor of 1.0.

(d) MAA:

(i) Identifies from historical data considered to be complete, each individual qualifying hospital's inpatient and outpatient allowed charges for MAA's MI clients; then

(ii) Multiplies the total allowed charges by the hospital's ratio of costs-to-charges (RCC) to determine the hospital's MI costs; then

(iii) Multiplies the hospital's MI costs by the hospital's profit factor assigned in (c) of this subsection to identify a revised cost amount; then

(iv) Determines the hospital's percentage of the NRHI-AAPDSH revised costs by dividing the hospital's revised cost amount by the total MI costs for all qualifying hospitals during the same period.

(4) MAA's NRHIAAPDSH payments to a hospital may not exceed one hundred percent of the projected cost of care for Medicaid clients and uninsured indigent patients for the hospital unless an exception is identified by federal regulation. MAA reallocates dollars as defined in the state plan.

WSR 04-08-127
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed April 7, 2004, 9:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-13-009.

Title of Rule: WAC 392-121-124 Full-time equivalent enrollment for work based learning.

Purpose: To align the student FTE calculation for funding with state board program calculation for credits found in WAC 180-50-315 and to establish in rule the limit on the number of work based learning hours that may be claimed for a student pursuing one credit.

Statutory Authority for Adoption: RCW 28A.150.290.

Statute Being Implemented: Chapter 28A.150 RCW.

Summary: These draft rules align the work based learning FTE calculation for funding with the state board program calculation for credits found in WAC 180-50-315, including calculations for two categories of work based learning: Cooperation and instructional. These draft rules also establish in rule the limit on the number of work based learning hours that may be claimed for a student pursuing one credit.

Name of Agency Personnel Responsible for Drafting: Ben Gravely, Office of Superintendent of Public Instruction, (360) 725-6142; Implementation: Calvin W. Brodie, Office of Superintendent of Public Instruction, (360) 725-6300; and Enforcement: Jennifer Priddy, Office of Superintendent of Public Instruction, (360) 725-6292.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule change has two parts:

1. The rule changes the work based learning FTE calculation for funding. The rule specifies that one FTE equals three hundred sixty hours of cooperative work based learning experience or one hundred eighty hours of instructional work based learning experience. The definitions of cooperative and instructional work based learning experience are the same as those defined in WAC 180-50-315 and are included by reference. These changes align with state board rules

found in WAC 180-50-315 where one credit is granted for no less than one hundred eighty hours of instructional work based learning experience, and not less than three hundred sixty hours of cooperative work based learning experience.

2. This rule limits the number of work based learning hours that may be claimed for a student pursuing one credit. For one credit of instructional work based learning, the limit is one hundred eighty hours. For one credit of cooperative work based learning experience, the limit is three hundred sixty hours.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business impacts have been identified.

RCW 34.05.328 does not apply to this rule adoption. The exception found in RCW 34.05.329 [34.05.328] (5)(b)(ii) applies.

Hearing Location: Old Capitol Building, P.O. Box 47200, Wannamaker Conference Room, Olympia, WA 98504-7200, on May 11, 2004, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Ben Gravely by May 1, 2004, TDD (360) 664-3631 or (360) 725-6142.

Submit Written Comments to: Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, 600 South Washington Street, Olympia, WA 98504-7200, fax (360) 753-4201, by May 10, 2004.

Date of Intended Adoption: May 12, 2004.

April 2, 2004

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 98-03, filed 3/17/98, effective 4/17/98)

WAC 392-121-124 Full-time equivalent enrollment for work based learning. For work based learning provided pursuant to WAC 180-50-315, a student's full-time equivalent shall be determined as follows:

(1) For cooperative work based learning experience, in accordance with WAC 180-50-315 (1)(g), divide the student's hours of work experience for the month by two hundred ((~~twenty-five~~)); for example: ((~~Forty-five~~) Forty hours of cooperative work experience equals two tenths of a full-time equivalent (((~~45~~) 40 ÷ ((~~225~~) 200 = 0.20). For instructional work based learning experience, in accordance with WAC 180-50-315 (1)(f) and 296-125-043(4), divide the student's hours of work experience for the month by one hundred; for example: Twenty hours of instructional work experience equals two tenths of a full-time equivalent (20 ÷ 100 = 0.20).

(2) Estimated or scheduled hours of work based learning experience may be used in determining a student's full-time equivalent on an enrollment count date: Provided, That the combined monthly hours reported for the school year shall not exceed the student's actual hours of work based learning experience documented on the student's work records and maintained by the school district for audit purposes. Work

based learning experience during June of the regular school year shall be included in the May enrollment count.

(3) Work based learning provided as part of a state-approved vocational education program qualifies for enhanced vocational funding and may be included in determining a student's vocational full-time equivalent enrollment.

(4) No more than three hundred sixty hours of cooperative work based learning may be claimed for funding for each credit a student pursues as reported on the student's transcript. No more than one hundred eighty hours of instructional work based learning may be claimed for funding for each credit a student pursues as reported on the student's transcript.

(5) Funding may be claimed only for work based learning hours that occur after the work based learning plan, work based agreement, program orientation and new employee orientation, as defined in WAC 180-50-315, are completed.

WSR 04-08-128

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed April 7, 2004, 9:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-10-102 and 03-24-104.

Title of Rule: The department is proposing to repeal chapter 16-400 WAC, Fruit and vegetable inspection fees and chapter 16-458 WAC, Fruit and vegetable inspection district boundaries, and replacing them with a new clearly [written] chapter 16-390 WAC, WSDA fruit and vegetable inspection districts, inspection fees and other charges, that contains increased hourly inspection rates, increased minimum inspection fees, increased phyto-sanitary inspection fees and adopts the hourly rates for audit time, administration time and applicable travel time related to good agricultural practices (GAP) and good handling practices (GHP) audit verification certificates established by USDA/AMS/FPB/FVP in the Terminal Market Inspection Services Schedules of Fees for Fresh Fruit and Vegetable, 7 C.F.R. Part 51 Subpart 38, which became effective on January 15, 2004.

Purpose: The purpose of this rule proposal is to increase the fruit and vegetable inspection program hourly inspection rates, minimum inspection fees and phyto-sanitary inspection fees so the fees charged more accurately reflect the actual costs of performing the necessary inspections. In addition, the department will adopt federal rates for GAP and GHP audits. Finally, the department is combining two current rule chapters into one clearly written chapter. **NOTE: Current per unit (CWT) fees are not affected by this proposal.**

Statutory Authority for Adoption: Chapter 15.17 RCW, chapter 25, Laws of 2003 1st sp.s. (ESSB 5404), and chapter 34.05 RCW.

Statute Being Implemented: Chapter 15.17 RCW and chapter 25, Laws of 2003 1st sp.s. (ESSB 5404).

Summary: See Purpose above.

Reasons Supporting Proposal: Despite implementing several cost cutting measures and working to expand participation in the customer assisted inspection program (CAIP),

the fruit and vegetable inspection program finds that current inspection rates are well below the current costs incurred to conduct inspections. Consequently, the program, under the authority granted by chapter 25, Laws of 2003 1st sp.s. (ESSB 5404), is increasing the above described inspection rates and fees to a level that more accurately reflect the actual costs of performing hourly rate inspections. Without such increases, the program will be forced to curtail its services to the Washington state fresh fruit and vegetable industry because RCW 15.17.150 states: "The director shall adopt rules establishing the necessary fees to recover the costs of providing inspection and/or certification or other requested services."

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jim Quigley, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1833.

Name of Proponent: Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Title of Rule and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: See Title of Rule and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department conducted an economic impact survey to assess the potential cost impact of the proposed increase in hourly inspection rates. Three hundred and nineteen growers and/or shipper/packers were mailed an explanation of the proposal and a copy of an economic impact survey. Fifty-three of those surveyed responded (16.6%). Based upon the survey results, the department has concluded that the average new cost of twelve cents per hundred dollars of sales imposed by the department's rule proposal is not a "more than minor costs." Therefore, a small business economic impact statement, as discussed in chapter 19.85 RCW, is not required.

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

Hearing Location: WSU Tree Fruit Research and Extension Center, 1100 North Western Avenue, Wenatchee, WA, on May 11, 2004, at 1:00 p.m.; and at the WSDA Yakima Office, Second Floor Conference Room, 21 North First Avenue, Yakima, WA, on May 12, 2004, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Virginia Walsh by May 3, 2004, TDD (360) 902-1996.

Submit Written Comments to: George Huffman, Rules Coordinator, Department of Agriculture, P.O. Box 42560, Olympia, WA, e-mail ghuffman@agr.wa.gov, fax (360) 902-2092, by close of business on May 12, 2004.

Date of Intended Adoption: May 18, 2004.

April 7, 2004

Robert W. Gore
Assistant Director

Chapter 16-390 WAC

WSDA FRUIT AND VEGETABLE INSPECTION DISTRICTS, INSPECTION FEES AND OTHER CHARGES

NEW SECTION

WAC 16-390-005 What definitions are important to this chapter? "Certification" means the issuance of an official document confirming the inspection results for grade, classification, condition, and the absence or presence of plant pests or diseases and/or other defects.

"Customer assisted inspection program (CAIP)" means a quality and/or condition inspection performed by industry with verification and oversight by WSDA.

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

"Director" means the director of the department or the director's designated representative.

"Grade and condition certificate" means a document issued by the director of a certification confirming the results of an inspection.

"Inspection" means a review or examination of fruits and vegetables in order to determine quality, condition, and/or presence or absence of pests or diseases and/or other defects.

"Platform inspection" means any inspection and/or certification performed on a lot that has no defined per unit charges for the service.

NEW SECTION

WAC 16-390-010 How many WSDA fruit and vegetable inspection districts are there? The department has two fruit and vegetable inspection districts, which are:

(1) Fruit and vegetable inspection district two, which consists of Kittitas, Klickitat, Skamania, Yakima, Pacific, Lewis, Wahkiakum, Cowlitz, Clark, Benton, Franklin, Walla Walla, Columbia, Asotin, Whitman and Garfield counties; and

(2) Fruit and vegetable inspection district four, which consists of Grays Harbor, Jefferson, Clallam, Island, Mason, Kitsap, Pierce, Thurston, King, Snohomish, Skagit, Grant, Adams, Ferry, Pend Oreille, Stevens, Spokane, Lincoln, San Juan, Whatcom, Chelan, Douglas and Okanogan counties.

NEW SECTION

WAC 16-390-020 What are the fees for grade and condition certificates for fruit? WSDA fees for grade and condition certificates for all fruits are:

(1) A minimum charge of sixteen dollars.

(2) The fees for federal-state grade and condition certificates of all fresh market apples, pears, and soft fruits in containers (wrapped, place pack, face and fill), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags are listed in the following table:

Type of Fruit	Fees per CWT or Fraction Thereof
Apples	\$0.155
Apricots, cherries, nectarines and peaches	\$0.21
Pears	\$0.12
Plums, prunes, other soft fruits, grapes and berries	\$0.16

(3) The fees for state grade and condition certification of all fresh market apples, and pears that are in containers (wrapped, place pack, face and fill), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags are listed in the following table:

Type of Fruit	Fees per CWT or Fraction Thereof
Apples	\$0.145
Pears	\$0.11

(4) The department charges a fee of two dollars and fifty cents per ton net weight (or fraction thereof) for all apples, pears, stone fruits, berries, and grapes in bulk or in containers that are inspected for processing.

(5) The department charges a fee of thirty-two dollars per hour, with a minimum certificate charge of sixteen dollars, when an inspection is requested only to verify the product, conveyance, markings, or other factors not related to quality.

NEW SECTION

WAC 16-390-030 What are the fees for grade and condition certificates for vegetables? WSDA fees for grade and condition certificates for all vegetables are:

(1) A minimum charge of sixteen dollars.

(2) The fees for federal-state grade and condition certificates for all fresh market vegetables in containers (wrapped, place pack, face and fill), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags are listed in the following table:

Type of Vegetables	Fees per CWT or Fraction Thereof
Asparagus	\$0.21
Cantaloupes and corn	\$0.125
Onions	\$0.08
Potatoes	\$0.06
In-state processing potatoes	\$0.06
Complete inspection	Rate shall be reduced for the level of service required
Tomatoes	\$0.19

(3) The fee for state grade and condition certification of all fresh market asparagus in containers (wrapped, place pack, face and fill), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags is listed in the following table:

PROPOSED

PROPOSED

Type of Vegetable	Fee per CWT or Fraction Thereof
Asparagus	\$0.19

(4) For the inspection of vegetables not listed, the department charges a fee of thirty-two dollars per hour.

(5) The department charges a fee of two dollars fifty cents per ton net weight (or fraction thereof) for the inspection of vegetables to be processed, whether in bulk or in containers.

(6) When an inspection is requested only to verify the product, conveyance, markings, or other factors not related to quality, the department charges the rate of thirty-two dollars per hour, with a minimum certificate charge of sixteen dollars.

NEW SECTION

WAC 16-390-040 What are the fees for grade and condition certificates for fruits and vegetables inspected under the customer assisted inspection program (CAIP)? WSDA fees for grade and condition certificates for all fruits and vegetables issued under the customer assisted inspection program (CAIP) are:

(1) A minimum charge of sixteen dollars.

(2) The fees for **federal-state grade and condition certificates** for all fresh market fruits and vegetables in containers (wrapped, place pack, face and fill), bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or bags are:

Type of Fruit or Vegetable	Fees per CWT or Fraction Thereof
Fresh potatoes	Three and one-half cents per cwt., with a minimum charge of thirty-two dollars per hour for each staff hour worked.
All other fresh market fruits and vegetables	Three-fourths of the cwt. rates specified in WAC 16-390-020(2) and 16-390-030(2) but not less than the equivalent rate of thirty-two dollars per staff hour worked. If the cwt. rate results in an inspection fee that is less than the equivalent of thirty-two dollars per staff hour worked, the department will assess additional certification charges. For example, if an inspection takes three staff hours (\$96.00) to complete and the cwt. rate results in a fee of \$85.00, the department will assess additional certification charges of \$11.00.

NEW SECTION

WAC 16-390-060 What are the fees for inspecting beans, peas, lentils, hay and straw? Inspection fees for beans, peas, lentils, hay, and straw are found in the following rule sections:

WAC Section	Title
WAC 16-239-071	Straight time rate.
WAC 16-239-0902	Fees for official sampling and inspecting without weighing and fees for official sampling only.
WAC 16-239-0904	Fees for other official weighing services.
WAC 16-239-0905	Fees for inspection of submitted samples.
WAC 16-239-0906	Fees for factor analysis.
WAC 16-239-0909	Fees for other stowage examination services.
WAC 16-401-023	Schedule of fees and charges—Establishing hourly rates.

NEW SECTION

WAC 16-390-100 What are the fees for fruit and vegetable certificates? As shown in the following table, WSDA certificate fees vary with the type of certificate requested:

Type of Certificate Requested	Fee
Consolidation certificates	Fees are specified in WAC 16-390-020 and 16-390-030 with an added charge of three dollars for each additional lot.
Condition certificates for previously inspected lots	Fee is two-thirds of the fee charged for grade and condition certificates, with a minimum charge of sixteen dollars.
Condition certificates for lots not previously inspected for quality or grade with a request that the certificate carry out-bound car, truck, or state lot number	Fees are based upon the applicable grade and condition certificate schedules.
Out-of-state products reported on state certificates	Fees are based either upon the applicable grade and condition certificate schedule or a charge of thirty-two dollars per hour whichever is greater.

Type of Certificate Requested	Fee
A state condition certificate or quality control inspection for previously certified controlled atmosphere storage apple lots	A state condition certificate or quality control inspection may be issued without additional charge.
Sanitary and quarantine certificates for fruits and vegetables	Sixteen dollars for issuing a certificate, plus the hourly rates specified in WAC 16-390-200(1) when the shipment is not covered by federal-state or state certificates.
Container weight, or check loading certificates	Fee is charged at the rates specified in WAC 16-390-200(1).

NEW SECTION

WAC 16-390-150 What requirements apply to shipping permits and certificates of compliance for fruits and vegetables? (1) Each shipment of apples, apricots, Italian prunes, peaches, pears, dark sweet cherries, Rainier cherries and asparagus must be covered by a shipping permit. All other sweet cherries, whether certified or not, must have a shipping permit indicating freedom from cherry fruit fly larvae.

(2) Shipments of apricots, cherries, peaches, prunes, and asparagus to processors do not require a shipping permit.

(3) A permit or certificate of compliance may be issued without additional charge if the lot is certified.

(4) If the lot has not been certified, a permit or certificate of compliance may be issued based upon the following charges:

(a) The minimum charge for a permit or certificate of compliance is two dollars fifty cents.

(b) Two-thirds of the rate for federal-state or state grade and condition certificates applies.

(c) A permit to ship apples and/or pears to a by-product plant outside the state is three dollars.

NEW SECTION

WAC 16-390-200 What are the fees for platform inspection services? (1) Fees for platform inspections, taking samples, extra time, phytosanitary and/or quarantine inspection, and all other platform services are charged at the rate of thirty-two dollars per hour.

(2) When a platform inspector is working full time at one house and is also doing certification inspections, the inspector must allow credit, according to the limits outlined in the schedule for such inspections, for the time spent on the inspection at the rate of thirty-two dollars per hour.

(a) Platform fees will not be assessed if the certificate cwt. fee divided by the respective hourly rates is equal to or exceeds the number of hours worked.

(b) Platform fees will be assessed if the certificate cwt. fee divided by the respective hourly rates is less than the number of hours worked. The amount assessed will be sufficient to make the total fee equal to the number of hours worked multiplied by the thirty-two dollars per hour rate.

NEW SECTION

WAC 16-390-210 What is the fee for supervising fumigations? (1) The minimum fee for supervising fumigation shall be equivalent to one and one-half hours specified in WAC 16-390-200(1) for the master fumigation certificate. Additional certificates issued from this master certificate will cost sixteen dollars each.

(2) The department will charge for any additional stand-by time at the rate specified in WAC 16-390-200(1).

(3) In facilities that are either temporary or without adequate devices for maintaining acceptable treatment temperatures, fumigations must not start after:

(a) 3:00 p.m. from October 1 to May 31; or

(b) 10:00 p.m. from June 1 to September 30.

NEW SECTION

WAC 16-390-220 What is the fee for a field or orchard inspection? The fee for field or orchard inspections made at the applicant's request to determine the presence or absence of disease or insect infestation, or for some other reason is:

(1) Two dollars and fifty cents per acre or fraction thereof; or

(2) At the platform inspection rate specified in WAC 16-390-200(1).

NEW SECTION

WAC 16-390-230 What is the fee for an apple pest certification? The fee for apple pest certification, using the survey method, on all fresh apples produced in Washington state or marketed under Washington state grades and standards, is \$.0075 per cwt. or fraction thereof.

NEW SECTION

WAC 16-390-240 What is the fresh produce audit verification program? A Federal-state inspection service program that reviews and verifies a participating company's facility and agronomic practices, along with its documented procedures, to help determine if "good agricultural practices" and "good handling practices" are maintained.

NEW SECTION

WAC 16-390-242 What charges does the department assess for fruit and vegetable audit verification certificates issued under the fresh produce audit verification program? Charges assessed by the department for good agricultural practices (GAP) and good handling practices (GHP) audit verification certificates issued under the fresh produce audit verification program are as follows:

PROPOSED

(1) Audit time, administration time and applicable travel time is charged at the hourly rate established by USDA/AMS/FPB/FVP the Schedule of Fees for Fresh Fruit and Vegetable Terminal Market Inspection Services, 7 CFR Part 51 Subpart 38, which became effective on January 15, 2004.

(2) Mileage related to GAP and GHP audit services is charged at the rate established by the office of financial management (OFM) at the time the service was performed.

NEW SECTION

WAC 16-390-245 What requirements apply to certifications using USDA positive lot identification? (1) Certification fees using USDA positive lot identification are based upon the rates specified in WAC 16-390-020, 16-390-030, 16-390-040, 16-390-100, 16-390-200, 16-390-210, 16-390-250 and 16-390-260.

(2) The department may add an additional charge of ten percent if an inspector is required to be on-site when no other inspections are requested.

(3) The department responds to requests for positive lot identification services in the following order:

(a) First priority is given to those situations where positive lot identification is a mandatory condition of a sales transaction.

(b) All other requests will be honored based upon adequate notice to the inspection service and the availability of inspectors.

NEW SECTION

WAC 16-390-250 What miscellaneous inspection and certification fees does WSDA charge? (1) Department services provided to other agencies, commissions, and organizations are charged at the rate of thirty-two dollars per hour.

(2) The charge for mileage related to inspection and certification services is at the rate established by the office of financial management (OFM) at the time the service was performed.

(3) The department may charge for telegrams, facsimile, or electronic transmission of inspection documents at the rate of four dollars per transmission in addition to any Western Union charges made directly to the applicant.

(4) The cost of extra copies of original documents is four dollars per set.

(5) The department may charge twenty-five cents per copy for Xerox copies of inspectors' notes, certificates or related documents.

(6) When, through no fault of the inspection service, it is necessary to retype or reissue a document, the cost of retyping or reissuing the document is four dollars per set.

NEW SECTION

WAC 16-390-260 Does the department assess extra charges for the inspection and certification services it provides? The department does assess extra charges on services provided according to the following:

(1) The minimum inspection charge for each commodity and requested document is sixteen dollars.

(2) If, through no fault of the inspection service, excess time is required over the maximum time allowed (as supported by unit rates for each commodity and requested document) the excess time is charged at the rate of thirty-two dollars per hour.

(3)(a) For all inspection services performed beyond a regularly scheduled eight-hour week day shift or on Saturdays, or Sundays, or state legal holidays, a rate equivalent to forty-two dollars will be charged for actual hours spent in performance of duties. Such charges include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

(b) The following are state legal holidays:

Holiday	Date
New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day following Thanksgiving Day	Fourth Friday in November
Christmas Day	December 25

(4) Additional hourly or overtime charges will not be assessed when the per unit inspection charge in any one day equals or exceeds the basic hourly and/or overtime charge.

NEW SECTION

WAC 16-390-270 Can the department waive fruit and vegetable inspection fees? The department may waive inspection fees for fruits and vegetables donated to bona fide nonprofit organizations if the shipping containers are conspicuously labeled or marked "not for resale."

NEW SECTION

WAC 16-390-280 What requirements apply to the payment and collection of fruit and vegetable fees and charges? (1) All fees and charges for services rendered are due within thirty days after the date of the billing statement you receive from the department.

(2) If your payment is not received within thirty days, service may be withheld until your delinquent account is paid.

(3) If your account is delinquent, the department may require that you pay cash for subsequent services.

(4) The department assesses a penalty of eighteen percent per annum on all delinquent account balances.

PROPOSED

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 16-400-007 Definition.
- WAC 16-400-008 Reduction of inspection fees levied under this chapter.
- WAC 16-400-010 Grade and condition certificates—Fruits.
- WAC 16-400-040 Grade and condition certificates—Vegetables.
- WAC 16-400-045 Grade and condition certificates—Customer assisted inspection program (CAIP) certification charges—Fruits and vegetables.
- WAC 16-400-060 Certificate charges—Other agricultural commodities.
- WAC 16-400-100 Certificates.
- WAC 16-400-150 Shipping permits and certificates of compliance—Fruits and vegetables.
- WAC 16-400-210 Other charges.
- WAC 16-400-270 Copies.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 16-458-075 Fruit and vegetable district two.
- WAC 16-458-085 Fruit and vegetable district four.

**WSR 04-08-130
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION**
[Filed April 7, 2004, 11:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-05-064.

Title of Rule: WAC 139-05-915 Requirements of training for law enforcement and corrections dog handlers and certification of canine teams.

Purpose: The change is being made to clarify the standards that must be met for a canine team to become certified.

Statutory Authority for Adoption: RCW 43.101.080.

Summary: Stakeholders were contacted by letter to advise of the intended rule amendments. Proposals also listed on the agency website.

Name of Agency Personnel Responsible for Drafting and Enforcement: Doug Blair, Burien, (206) 835-7309; and Implementation: Sharon M. Tolton, Burien, (206) 835-7345.

Name of Proponent: Criminal Justice Training Commission staff in cooperation with the canine handlers that have been certifying the canine teams for the commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The change is being made to clarify the standards that must be met for a canine team to become certified.

Proposal Changes the Following Existing Rules: The change is being made to clarify the standards that must be met for a canine team to become certified.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore, a small business economic impact statement is not required.

RCW 19.85.025(2), this chapter does not apply to a rule proposed for expedited adoption under **RCW 34.05.230 (1) through (8), unless a written objection is timely filed with the agency and the objection is not withdrawn.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, on June 9, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sonja Hirsch by June 7, 2004, TDD (206) 835-7300.

Submit Written Comments to: Sharon M. Tolton, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148-2055, fax (206) 439-3860, by June 7, 2004.

Date of Intended Adoption: June 9, 2004.

April 6, 2004

Sharon M. Tolton

Deputy Director

AMENDATORY SECTION (Amending WSR 03-07-100, filed 3/19/03, effective 4/19/03)

WAC 139-05-915 Requirements of training for law enforcement and corrections dog handlers and certification of canine teams. (1) Title and scope: These rules are intended to set minimum standards of performance for the certification of canine teams that are used for law enforcement or corrections purposes. This process is not related to nor does it have any effect upon the requirements for peace officer certification. Nothing in these rules is intended to limit the use of canine teams employed by other state or federal agencies for law enforcement purposes, or the use of volunteer canine teams where the handler is not a Washington peace officer or corrections officer.

(2) For purposes of this section, the following definitions shall apply:

(a) "Dog handler" means any fully commissioned law enforcement officer or corrections officer of a state, county, city, municipality, or combination thereof, agency who is responsible for the routine care, control, and utilization of a

PROPOSED

police dog within a law enforcement or corrections assignment; and

(b) "Canine team" means a specific officer and a specific canine controlled by that officer in the capacity of handler, formally assigned by the employing agency to work together in the performance of law enforcement, or corrections duties.

(c) "Training" means any structured classroom or practical learning exercise conducted, evaluated, and documented by an experienced dog handler or trainer, certified as an instructor with recognized expertise on canine subjects associated with the development of the trainee's competency in the care, control, and utilization of a police dog.

(d) "Evaluator" means a certified peace officer or corrections officer, who has a minimum of three years experience as a canine handler and is recognized as a trainer of canines by a professional organization of police and/or corrections canine handlers/trainers or by the handler's employing agency. The trainer must have trained a canine team in accordance with the training requirements of WAC 139-05-915, or be recognized by the commission as a certified instructor with expertise in canine training of a specific police canine subject for the purpose of testing and certifying canine handlers and dogs to work as a canine team.

(3) A dog handler shall, as a precondition of such assignment, successfully complete the basic law enforcement academy program, or basic correction officer academy or otherwise comply with the basic training requirement prescribed by WAC 139-05-200 and 139-05-210 of the training commission.

(4) Prior to ~~(, or within the first six months of)~~ such assignment, a dog handler shall successfully complete training according to the nature and purpose of utilization of the police dog for which such handler is responsible.

(a) A dog handler who is responsible for the routine and regular utilization of a police dog within general patrol or investigative activities, shall successfully complete a minimum of four hundred hours of training which shall include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Tracking;
- (vii) Trailing;
- (viii) Area searching;
- (ix) Building searching;
- (x) Evidence searching;
- (xi) Pursuit/holding; and
- (xii) Master protection.

(b) A dog handler who is responsible for the primary and specialized utilization of a police dog in the search for and detection of specific substances, excluding explosives, shall successfully complete a minimum of two hundred hours of training which shall include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;

- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Area searching;
- (vii) Building searching;
- (viii) Evidence searching; and
- (ix) Detection of specific substances.

(c) A dog handler who is responsible for the primary and specialized utilization of a police dog in the search for and detection of explosive substances and devices, shall successfully complete a minimum of ~~((two))~~ four hundred hours of training which shall include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Area searching;
- (vii) Building searching;
- (viii) Evidence searching; and
- (iv) Detection of explosives.

(d) A dog handler who is responsible for the routine and regular utilization of a police dog solely for self-protection and assistance in hostile or potentially hostile situations, shall successfully complete at least one hundred eighty hours of training which shall include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Pursuit/holding; and
- (vii) Master protection.

(5) The commission shall develop and adopt a minimum performance standard for canine teams performing specific law enforcement or corrections functions. It shall be the handler's responsibility to keep their canines under control at all times. Each handler must be able to make his/her canine perform to a level that is deemed acceptable by the commission in the category for the team's intended use as a condition of certification.

(6) Certification of canine teams:

(a) The handler and the canine will be considered as a team and it is the team who will be certified. If the canine changes handlers, a new team exists and the team will need to be certified.

(b) A dog handler may not use a canine for police purposes unless the handler is certified to handle a specific canine for a specific purpose.

(c) In evaluating the proficiency of the canine team, the evaluators shall use the standards approved by the commission for that particular skill category. Performance shall be rated on a pass/fail basis. The evaluator shall have the discretion to discontinue the testing if excessive time has been spent without results, or if there is a concern about safety issues involving the canine, handler, or equipment.

(d) The commission shall certify a canine team who can successfully show proficiency, under scrutiny of a canine

evaluator, in ~~((one or more))~~ all of the following areas of patrol and investigation/or detection.

(i) Patrol and investigation:

- (A) Obedience;
- (B) Protection and control;
- (C) Area search;
- (D) Building search; and
- (E) Tracking.

(ii) Detection:

- (A) Buildings;
- (B) Vehicles;
- (C) Exterior search; and
- (D) Obedience(~~;~~ and
- ~~(E) Building search~~)).

(iii) Expiration of certification: Each certification issued pursuant to these rules shall remain valid as long as the canine team does not change. A canine team's certification shall lapse if the specific handler and canine originally paired at the time of certification, cease to perform canine team functions together. It is recommended that teams recertify on an annual basis.

(iv) Failure to pass certification: If the canine team fails any phase of an evaluation, he/she must be reevaluated in that particular phase. Patrol and investigation canine teams will be allowed three attempts to successfully pass the requirements of each phase. If the team does not pass by the third attempt, the team shall be reevaluated in all phases at a different time to be scheduled by the evaluator and approved by the commission.

(v) Appeal: Any handler who believes there have been improper procedures applied in the testing process, may file an appeal with the commission in writing. This appeal must be filed within thirty days of the testing date pursuant to WAC 139-03-020.

(7) Agency required to keep records:

(a) Each agency shall keep training and performance records on canines. The records must stay with the agency responsible for the canine team. The records shall be made available for review in the event that the canine is sold or transferred to another agency. The records shall include, at a minimum, but not be limited to:

- (i) Microchip number;
- (ii) Canine's name;
- (iii) Breed;
- (iv) Training received;
- (v) Certification date;
- (vi) Date acquired or purchased;
- (vii) Source from which the canine was acquired;
- (viii) Purpose, use, or assignment of canine;
- (ix) Handler's name;
- (x) The date and reason canine was released from service; and
- (xi) Copies of all incident reports in which use of the canine resulted in use of force.

(b) These records shall be retained for a period of one year from the date the canine is removed from active service unless a longer retention is required by statute or local ordinance.

(c) It shall be the responsibility of the handler to advise his/her employing agency of the fact that he/she has met the

standards for canine certification. The proof of certification with the evaluator's signature along with a request for canine certification shall be submitted to the commission by the employing agency. This shall be considered as a request for certification. Upon verification that the minimum requirements have been met, the commission shall issue a certificate of certification to the canine team.

(8) Canine recommended to be microchipped:

(a) It is recommended that a canine intended to be used by a law enforcement or corrections agency, be positively identified by having a microchip inserted in the canine. Any canine that is sold by a vendor to a Washington state governmental agency for use as a law enforcement or corrections canine should be able to be identified by microchip placed in the canine at the vendor's expense prior to the canine being sold to the law enforcement or corrections agency.

(b) Once the microchip has been inserted, it is recommended that it not be removed except for medical necessity. If it becomes necessary to remove the microchip, the reason for the removal must be documented and entered into the dog's training records, and a new microchip inserted if medically appropriate.

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 04-08-009

EXPEDITED RULES

DEPARTMENT OF REVENUE

[Filed March 25, 2004, 10:33 a.m.]

7467, fax (360) 664-0693, e-mail gilb@dor.wa.gov, AND
RECEIVED BY June 7, 2004.

March 25, 2004

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

Title of Rule: WAC 458-20-207 Legal, arbitration, and mediation services.

Purpose: The rule explains the taxability of income received from legal, arbitration, and mediation services.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060.

Statute Being Implemented: RCW 82.04.290, as it applies to persons performing legal, arbitration, or mediation services.

Summary: The proposed rule deletes language referring to the selected business service B&O tax classification, which applied in periods prior to July 1, 1998. The proposed rule also includes minor grammatical and stylistic corrections.

Reasons Supporting Proposal: The reference to the selected business service B&O tax classification is no longer needed.

Name of Agency Personnel Responsible for Drafting: Gilbert Brewer, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6133; Implementation: Alan R. Lynn, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6125; and Enforcement: Russell Brubaker, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6131.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule 207 explains the B&O tax-reporting responsibilities of persons providing legal, arbitration, and mediation services. It also explains that these persons are responsible for remitting retail sales or use tax on office equipment and supplies that they consume in providing these services.

The proposed rule deletes a reference to the selected business service tax classification, which no longer exists. It also corrects punctuation and adds the title of rules referenced within the proposed rule.

Proposal Changes the Following Existing Rules: This proposal amends WAC 458-20-207 as explained above.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Gilbert Brewer, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-

AMENDATORY SECTION (Amending WSR 99-13-092, filed 6/14/99, effective 7/15/99)

WAC 458-20-207 Legal, arbitration, and mediation services. (1) **Introduction.** This rule explains the taxability of amounts received for legal, arbitration, and mediation services.

(2) **Definitions.**

(a) "Arbitration" means the process by which the parties to a dispute submit to the hearing and judgment of an impartial person or group appointed by mutual consent or statute.

(b) "Arbitration services" means services relating to the resolution of a dispute submitted to arbitration.

(c) "Attorney" means an active member of a state Bar Association engaged in the practice of law. The term also includes a professional service corporation incorporated under chapter 18.100 RCW, a professional limited liability company formed under chapter 18.190 RCW, or a partnership, provided the ownership of these business entities are properly restricted to attorneys and organized primarily for engaging in the practice of law.

(d) "Legal services" means services relating to or concerned with the law. Such services include, but are not limited to, representation by an attorney (or other person, when permitted) in an administrative or legal proceeding, legal drafting, paralegal services, legal research services, arbitration, mediation, and court reporting services.

(e) "Mediation" means the process by which the parties to a dispute or negotiations agree to have an intermediary hear their differences and/or positions and facilitate and/or make suggestions concerning an agreement and/or the resolution of their dispute.

(3) **Business and occupation tax.** ((Beginning July 1, 1998,)) Gross income from legal, arbitration, or mediation services is subject to the service and other activities classification. ((See section 2, chapter 7, Laws of 1997.)) ~~Previously, legal, arbitration, and mediation services were taxable under the selected business service tax classification.~~

(a) **Gross income.** The gross income of the business generally includes the amount of compensation paid for legal, arbitration, or mediation services and amounts attributable to providing those services (i.e., charges for tangible personal property directly used or consumed in supplying legal, arbitration, or mediation services). Reimbursed general overhead costs are generally included in the gross income of the business even though indirectly related to litigation. Any reimbursed costs (not directly related to litigation) for which the attorney assumes personal liability for payment are also included in gross income.

(b) **Overhead costs.** Amounts received (or, for taxpayers reporting under the accrual accounting method, accrued) to compensate for overhead costs are fully subject to tax. Such overhead costs are taxable even though they may be sepa-

EXPEDITED

rately stated on the billings or expressly denominated as costs of the client. Examples of such overhead costs include, but are not limited to:

(i) Photocopy or other reproduction charges, except charges paid to the provider, or the agent of the provider, for the official or original copy of a record, or other document, provided for litigation;

(ii) Long distance telephone tolls;

(iii) Secretarial expenses;

(iv) Office rent;

(v) Office supplies;

(vi) Travel, meals and lodging;

(vii) Utilities, including facsimile telephone charges; and

(viii) Postage, unless paid for service of legal papers as a direct cost of litigation.

(c) Excluded amounts. The following amounts are excluded from gross income if complete and accurate records are maintained of these amounts⁽²⁾:

(i) Client trust accounts. The gross income of the business does not include amounts held in trust for the client.

(ii) Litigation expenses. Attorneys are bound by the rules of professional conduct. RPC 1.8(e) prohibits an attorney from financing the expenses of contemplated or pending litigation unless the client remains ultimately liable for these expenses. This means that an attorney normally acts solely as the agent for the client when financing litigation. Accordingly, amounts received from a client for the direct expenses of litigation do not constitute gross income to the attorney. Amounts received (or, for taxpayers reporting under the accrual accounting method, accrued) to compensate for the following direct litigation expenses are not included in gross income:

(A) Filing fees and court costs;

(B) Process server and messenger fees;

(C) Court reporter fees;

(D) Expert witness fees; and

(E) Costs of associate counsel.

A cash basis taxpayer cannot exclude or deduct amounts of unreimbursed litigation expenses. For example, an attorney advances all the litigation expenses for a contingency fee case. The case is ultimately resolved against the attorney's client and the expenses are not repaid because of the client's bankruptcy. The attorney cannot then deduct these expenses as a bad debt or otherwise exclude them against other income earned by the attorney.

(iii) Expense advances and reimbursements. Sometimes in the regular course of business an attorney may receive amounts from a client for expenses of third-party providers or other costs incurred in connection with a legal matter other than litigation. Such amounts are excluded from the business and occupation tax only if the attorney has no obligation for payment other than as agent for the client or equivalent commitment for their payment (see WAC 458-20-111, Advances and reimbursements). Generally, such amounts will be for third-party service providers (for example, accountants, appraisers, architects, artists, drafters, economists, engineers, investigators, physicians, etc.). However, these costs could also include client expenses for registration, licensing or maintenance fees, title and other insurance premiums, and escrow fees paid to third-party escrow agents. These costs are

excludable only when the attorney does not have any personal liability to the third-party provider for their payment.

(iv) Records requirement. In order to support the exclusion from taxable gross income of any of the foregoing expenses, the attorney must maintain records which indicate the amount of the payment received from the client, the name of the client, the name of the person to whom the attorney has made payment, and a description of the item for which payment was made. If the foregoing expenses are incurred outside the context of litigation or contemplated litigation, the attorney must maintain records which indicate the amount of the payment received, the name of the client, and the person to whom the attorney makes payment. In addition, the attorney must provide the person to whom payment is made with written notice that:

(A) Payment is made, or will be made on behalf of a named client; and

(B) The attorney assumes no liability for payment, other than as agent for the named client.

(d) Multiple business activities. Attorneys and other persons engaged in providing legal, arbitration, and mediation services sometimes engage in other business activities which are classified under a different tax classification (i.e., escrow services). In some circumstances, income from these other business activities will be subject to tax under a different tax classification.

(i) Independent business activities. If the other activities engaged in by the person are independent from the legal, arbitration, or mediation services provided to the client, these activities are taxed based on the tax classification that applies to each of those other activities, provided these other activities are separately accounted for and/or itemized as a separate amount in billings or invoices to the client. Failure to separately account and/or itemize for such activities will result in classification of all activities under the service and other activities classification.

(ii) Combined business activities. If the other activities are related to the legal, arbitration, or mediation services provided to the client, the primary activity provided the client in each taxable period will determine the tax classification. Generally, the activity will be considered as related when there is some interaction between the two activities to reach an ultimate goal (i.e., a law firm which provides legal advice and brokers the financing of a business arrangement). There are a number of elements which may be examined to determine whether a sufficient relationship between the multiple activities exist. Some elements considered are the timing for the selection and provision of services, the relationship between the contracting parties, the procedure used in the selection process, the dependence of the relationship between the two or more activities, the relationship of the prices between the two activities, and the means of payment selected for the activities.

(iii) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.

(A) A law firm has an escrow department. This escrow department is run by employees who are not attorneys (but

the supervising employee is a limited practice officer who has experience as a certified escrow agent), has a separate phone number, separate bank account, separate trust account, separate computer system, and maintains its own accounting system. Contracts for the escrow services state that the law firm is being retained as an independent escrow agent and not to represent any person involved in the transaction. Further, the contract states that the law firm shall not offer legal advice upon the transaction. The escrow department of this law firm would be considered an independent business activity and be taxed separately under the retailing classification for escrow businesses (see WAC 458-20-156, Abstract, title insurance, and escrow business).

(B) A law firm limits its practice to real estate. It primarily provides escrow services and real estate closings. Even though this firm has chosen to limit its practice, it is the nature and the character of its activities which will determine the primary activity for each closing. When a closing includes the preparation, selection, or drafting of the deed between the purchaser and seller, drafting legal documents to obtain clear title, and/or the preparation, selection or drafting of the promissory notes, deeds of trust, mortgages, and agreements modifying these documents, it will be presumed that the primary activity performed for the client is providing these legal services.

(I) The law firm closed a real estate transaction performing all the escrow services. Except for the escrow services provided, the firm represented the buyer in the closing. Although an attorney from the firm reviewed and approved the legal documents provided by the seller, the attorney did not prepare any legal documents for the transaction. Since the firm was representing a specific client in this real estate closing, the escrow services are considered incidental to the legal services provided. Accordingly, the firm will report the income from this transaction under the service and other activities classification.

(II) The firm was engaged by both parties in a real estate transaction to handle a real estate closing. An attorney for the firm selected and prepared the earnest money escrow agreement, the purchase and sales agreement, the closing agreement, and the deeds for the transfer. Title was clear and did not require any additional drafting. The firm also entered into an escrow agreement with both parties and held in escrow the buyer's deposit and the seller's deed. Since an attorney for the law firm was required to select, analyze, and review the legal documents in this transaction, the escrow activity will be considered incidental. This closing is reported under the service and other activities classification for legal services.

(III) A certified escrow agency, owned by a principal qualified under APR 12 (the limited practice rule for limited practice officers), provides both escrow and the limited legal services allowed under APR 12 to its clients. The escrow company itemizes the services provided. APR 12(d) allows a limited practice officer to select, prepare and complete documents in a form previously approved by the board for use in closing a loan, extension of credit, sale or other transfer of real or personal property. The nature of this limited license prevents an escrow company using limited practice officers from ever engaging in legal services as a primary activity in a real estate closing. Accordingly, the escrow company will

report the income from escrow and closings under the retail sales classification (see WAC 458-20-156, Abstract, title insurance, and escrow business).

(IV) The same facts as above, but the escrow company hires employees who are attorneys to provide the allowable limited legal services. The result is the same. Under RPC 5.4, an attorney is prohibited from sharing legal fees with a non-lawyer and, under RPC 5.5, cannot assist a person who is not a member of the Bar Association in the performance of an activity that constitutes the unauthorized practice of law, and under RPC 7.1 a lawyer cannot make false or misleading communications about the lawyer or the lawyer's services. Accordingly, an attorney hired by an escrow company would not be providing legal services to the escrow companies' clients except to the extent authorized for a limited practice officer. Since only limited legal services can be offered, the escrow company would continue to report all fees from both the escrow and closing services under the retail sales tax classification.

(4) **Retail sales tax.** Sales of tangible personal property to attorneys for use in rendering professional services are retail sales upon which the retail sales tax must be collected. Such sales include, among others, sales of office furniture and equipment, stationery, office supplies, law books, and reference materials.

(5) **Use tax.**

(a) The use tax applies upon the use of articles purchased or manufactured for use upon which retail sales tax has not been paid or collected. This includes, but is not limited to, the following:

(i) Materials used and consumed while rendering legal, arbitration, or mediation services; and

(ii) Office supplies and office equipment purchased by the firm for its own use.

(b) The use tax also applies to all purchases of tangible personal property acquired without payment of retail sales tax and resold to clients but not separately stated from legal services rendered on the agency's billing.

WSR 04-08-094

EXPEDITED RULES

DEPARTMENT OF

NATURAL RESOURCES

[Order 712—Filed April 6, 2004, 2:08 p.m.]

Title of Rule: WAC 332-24-301 Industrial restrictions.

Purpose: Regulates logging, land clearing, or other industrial operations that may start a forest fire. This proposal reduces these restrictions to allow certain types of equipment to operate. The amendment will allow the operation of an approved motorize carriage, which is new technology that will operate under high fire conditions without causing a fire.

Statutory Authority for Adoption: RCW 76.04.015.

Statute Being Implemented: RCW 76.04.325.

Summary: The current rule restricts cable yarding during a level three day as designated by the DNR regional manager. This proposal will amend the current rules so that

approved motorized carriages may operate on a level three day.

Reasons Supporting Proposal: The industrial regulation have been adopted to restrict only those activities known to cause forest fires. The motorized slack pulling carriage is new technology that will operate under high fire conditions without causing forest fires. The proposed amendments have been the subject of a negotiated rule-making process.

Name of Agency Personnel Responsible for Drafting: Mark Gray, Olympia, Washington, (360) 902-1300; Implementation and Enforcement: Mark Kahley, Olympia, Washington, (360) 902-1300.

Name of Proponent: Washington State Department of Natural Resources, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 332-24-301 regulates the logging, land clearing and other industrial operations, which may cause a fire to start on or adjacent to forest lands through the use of industrial fire precaution levels. The current Industrial Fire Precaution Level 3 prohibits the use of motorized carriages in gravity operated logging systems. This amendment to WAC 332-24-301 (3)(a)(iii) allows the use of approved motorized carriages on an industrial fire precaution level three day. This will allow timber companies, logging operators and land owners more flexibility in choosing timber operation methods. During the closed season of 2003, sixty-six days or 36% of the operating days one or more of the state's shutdown zones were at a Level 3 so those timber operations using a motorized carriage were not allowed to work. This change would also increase the number of available working days for timber operators during the closed season.

Proposal Changes the Following Existing Rules: This rule-making action proposes to amend WAC 332-24-301 as explained above.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Heather White, Rules Coordinator, Washington Department of Natural Resources, P.O. Box 47015, Olympia, WA 98501, AND RECEIVED BY June 7, 2004.

April 5, 2004

Ron Teissere

Acting Executive Director
of Regulatory Programs

AMENDATORY SECTION (Amending WSR 96-21-094, filed 10/18/96, effective 11/18/96)

WAC 332-24-301 Industrial restrictions. (1) When in the opinion of the regional manager, for the department's administrative region, weather conditions arise which present a hazard to lands protected by the department, whereby life and property may be endangered, the regional manager, through the authority granted the department in RCW 76.04.015 and 76.04.325, may designate industrial precaution levels thereby regulating logging, land clearing or other industrial operations which may cause a fire to start on or adjacent to forest lands. The restrictions shall be for periods designated and shall only affect those portions of the state under the administrative jurisdiction of the area manager.

(2) In making a decision as to when restrictions or shutdowns should occur, the area manager shall utilize available information as to current and projected fire danger, current and projected weather, current fire activity and available resources for fire suppression.

(3) All persons performing logging, land clearing or other operations which may cause a fire to start on or adjacent to forest lands shall comply with the restrictions described in the designated industrial precaution level.

(a) The industrial fire precaution levels shall be:

(i) Level 1. Closed season - Fire precaution requirements are in effect. A fire watch/security is required at this and all higher levels unless otherwise waived.

(ii) Level 2. Partial hootowl - The following may operate only between the hours of 8 p.m. and 1 p.m. local time:

- Power saws except at loading sites;
- Cable yarding;
- Blasting;
- Welding or cutting of metal.

(iii) Level 3. Partial shutdown - The following are prohibited except as indicated:

• Cable yarding - except that gravity operated logging systems employing nonmotorized carriages or approved motorized carriages may operate between 8 p.m. and 1 p.m. when all block and moving lines, except for the line between the carriage and the chokers, are suspended ten feet above the ground;

• Power saws - except power saws may be used at loading sites and on tractor/skidder operations between the hours of 8 p.m. and 1 p.m. local time.

In addition, the following are permitted to operate between the hours of 8 p.m. and 1 p.m. local time:

• Tractor, skidder, feller-buncher, forwarder, or shovel logging operations where tractors, skidders, or other equipment with a blade capable of constructing fireline, are immediately available to quickly reach and effectively attack a fire start;

• Mechanized loading and hauling of any product or material;

- Blasting;
- Welding or cutting of metal.

(iv) Level 4. General shutdown - All operations are prohibited.

(b) The following definitions shall apply to these industrial fire precaution levels:

(i) "Loading sites" means a place where any product or material, including but not limited to logs, firewood, slash, soil, rock, poles, posts, etc., is placed in or upon a truck or other vehicle.

(ii) "Cable yarding systems" means a yarding system employing cables and winches in a fixed position.

(iii) "Approved motorized carriages" means a cable yarding system employing a motorized carriage with two fire extinguishers, each with at least a 5 BC rating, mounted securely on opposite sides of the carriage, an emergency motor cutoff, and an approved exhaust system.

(iv) "Low hazard area" means any area where the department has determined the combination of elements reduces the probability of fire starting and/or spreading.

((i+v)) (v) "Closed season" is that season of the year when a fire hazard exists as declared by the department or other responsible agency.

(c) A written waiver may be issued by the department for fire-safe activities in low-hazard areas.

(d) Where hauling involves transit through more than one shutdown/regulated use area, the precaution level at the woods loading site shall govern the level of haul restriction, unless otherwise prohibited by other than the industrial precaution level system.

WSR 04-08-112
EXPEDITED RULES
LIQUOR CONTROL BOARD

[Filed April 6, 2004, 4:03 p.m.]

Title of Rule: WAC 314-11-015 What are my responsibilities as a liquor licensee?, 314-11-020 What are the guidelines regarding sales to persons under twenty-one years of age and where persons under twenty-one are allowed on a licensed premises?, 314-11-065 What type of liquor is allowed on a licensed premises?, and 314-11-070 During what hours can I sell or serve liquor?

Purpose: Technical changes to the above rules to help clarify language for staff and for liquor licensees.

Statutory Authority for Adoption: RCW 66.08.030, 66.12.160, 66.44.010, 66.44.200, 66.44.240, 66.44.270, 66.24.291 [66.44.291], 66.44.310.

Statute Being Implemented: RCW 66.44.010, 66.12.160, 66.44.200, 66.44.240, 66.44.270, 66.24.291 [66.44.291], 66.44.310.

Summary: Chapter 314-11 WAC was reorganized and rewritten in 2001. Since that time, the agency has discovered several technical changes that need to be made to the following rules to help clarify language for staff and for liquor licensees.

- WAC 314-11-015 What are my responsibilities as a liquor licensee?, in subsection (3)(a), the word "apparently" was inadvertently deleted when the WAC was revised in 2001.
- WAC 314-11-020 What are the guidelines regarding sales to persons under twenty-one years of age and where persons under twenty-one are allowed on a licensed premises?, rewording is needed to clarify

when a person must present ID to a law enforcement officer.

- WAC 314-11-065 What type of liquor is allowed on a licensed premises?, in subsection (1), wording needs to be changed to clarify when and how beer and wine on-premises licensees can have spirits on their premises for cooking.
- WAC 314-11-070 During what hours can I sell or serve liquor?, in subsection (1), wording needs to be changed to clarify the prohibition against physical possession.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, Rules Coordinator, 3000 Pacific Avenue S.E., Olympia, (360) 664-1648; Implementation and Enforcement: Rick Phillips, Enforcement and Education Director, 3000 Pacific Avenue S.E., Olympia, (360) 664-1600.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above. These proposed changes do not affect the intent or effect of these rules.

Proposal Changes the Following Existing Rules: See Purpose above.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Teresa Berntsen, Rules Coordinator, Liquor Control Board, P.O. Box 43080, Olympia, WA 98504-3080, rules@liq.wa.gov, fax (360) 704-4921, AND RECEIVED BY June 9, 2004.

April 6, 2004

Merritt D. Long
Chairman

AMENDATORY SECTION (Amending WSR 02-11-054, filed 5/9/02, effective 6/9/02)

WAC 314-11-015 What are my responsibilities as a liquor licensee? (1)(a) Liquor licensees are responsible for the operation of their licensed premises in compliance with the liquor laws and rules of the board (Title 66 RCW and Title 314 WAC). Any violations committed or permitted by employees will be treated by the board as violations committed or permitted by the licensee.

(b) The penalties for violations of liquor laws or rules are in: WAC 314-12-300 through 314-12-340, as now or hereafter amended, for licensees; and WAC 314-17-105 and 314-17-110, as now or hereafter amended, for employees who hold mandatory alcohol server training permits. These rules also outline aggravating and mitigating circumstances that

may affect what penalty is applied if a licensee or employee violates a liquor law or rule.

(2) Licensees and their employees also have the responsibility to conduct the licensed premises in compliance with the following laws, as they now exist or may later be amended:

- Titles 9 and 9A RCW, the criminal code laws;
- Title 69 RCW, which outlines the laws regarding controlled substances; and
- Titles 70.155, 82.24 RCW, and RCW 26.28.080 which outline laws regarding tobacco.

(3) Licensees have the responsibility to control their conduct and the conduct of employees and patrons on the premises at all times. Except as otherwise provided by law, licensees or employees may not:

(a) Be disorderly or apparently intoxicated on the licensed premises;

(b) Permit any disorderly person to remain on the licensed premises;

(c) Engage in or allow behavior that provokes conduct which presents a threat to public safety;

(d) Consume liquor of any kind while working on the licensed premises; except that:

(i) Licensed beer manufacturers and their employees may sample beer of their own manufacture for manufacturing, evaluating or pricing product in areas where the public is not served, so long as the licensee or employee does not become apparently intoxicated;

(ii) Licensed wine manufacturers and their employees may:

(A) Sample wine for manufacturing, evaluating, or pricing product, so long as the licensee or employee does not become apparently intoxicated; and the licensee or employee who is sampling for these purposes is not also engaged in serving alcohol to the public; and

(B) Sample wine of their own manufacture for quality control or consumer education purposes, so long as the licensee or employee does not become apparently intoxicated.

(e) Engage in, or permit any employee or other person to engage in, conduct on the licensed premises which is prohibited by any portion of Titles 9, 9A, or 69 RCW; or

(f) Sell or serve liquor by means of "drive-in" or by "curb service."

(4) Licensees have the responsibility to control the interaction between the licensee or employee and their patrons. At a minimum, licensees or employees may not:

(a) Solicit any patron to purchase any beverage for the licensee or employee, or allow a person to remain on the premises for such purpose;

(b) Spend time or dance with, or permit any person to spend time or dance with, any patron for direct or indirect compensation by a patron.

(c) See WAC 314-11-050 for further guidelines on prohibited conduct.

AMENDATORY SECTION (Amending WSR 02-11-054, filed 5/9/02, effective 6/9/02)

WAC 314-11-020 What are the guidelines regarding sales to persons under twenty-one years of age and where

persons under twenty-one are allowed on a licensed premises? (1) Per RCW 66.44.270, licensees or employees may not supply liquor to any person under twenty-one years of age, either for his/her own use or for the use of any other person.

(2) Per RCW 66.44.310, licensees or employees may not allow persons under twenty-one years of age to remain in any premises or area of a premises classified as off-limits to persons under twenty-one. (See RCW 66.44.310 (1)(b) regarding nonprofit, private club licensees.)

(3) Per RCW 66.20.180, ~~((A†))~~ at the request of any law enforcement officer, a ~~((person))~~ holder of a card of identification must present ~~((a))~~ his/her card of identification if the person is on a portion of a premises that is restricted to persons over twenty-one years of age, or if the person is purchasing liquor, attempting to purchase liquor, consuming liquor, or in the possession of liquor. If the person fails or refuses to present a card of identification it ~~((will))~~ may be considered a violation of Title 66 RCW and:

(a) The person may not remain on the licensed premises after being asked to leave by a law enforcement officer; and

(b) The person may be detained by a law enforcement officer for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth.

AMENDATORY SECTION (Amending WSR 02-11-054, filed 5/9/02, effective 6/9/02)

WAC 314-11-065 What type of liquor is allowed on a licensed premises? (1) Licensees may only possess and allow persons to consume or possess the type of liquor permitted by the type of liquor license held on the premises; except:

(a) Under authority of a banquet permit (see chapter 314-18 WAC);

(b) Restaurant licensees may allow patrons to bring wine into the premises for consumption with a meal; and

(c) Beer and/or wine restaurant or tavern ~~((only))~~ licensees may keep spirituous liquor on the premises for use in the manufacture of food products, provided that:

(i) all food products manufactured contain one percent or less of alcohol by weight (per RCW 66.12.16.160), ~~((and))~~

(ii) customers are made aware that the food products contain liquor; and

(iii) the beer and/or wine restaurant or tavern licensee notifies the local liquor control board enforcement office in writing before they bring spirituous liquor on the premises.

(2) For on-premises liquor licenses, the licensee or employees may not permit the removal of liquor in an open container from the licensed premises, except:

(a) Liquor brought on a licensed premises under authority of a banquet permit may be resealed in its original container and removed at the end of the banquet permit function;

(b) Per RCW 66.24.320 and 66.24.400, wine that is sold with a meal may be recorked or resealed and removed from the premises;

(c) Liquor purchased by registered guests for consumption inside a hotel or motel room may be resealed in its orig-

inal container and removed from the hotel or motel premises by the guest; and

(d) Liquor removed from a licensed premises that holds a caterer's endorsement, for the purpose of catering an approved event.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending WSR 02-11-054, filed 5/9/02, effective 6/9/02)

WAC 314-11-070 During what hours can I sell or serve liquor? (1) Between the hours of 2 a.m. and 6 a.m., licensees or employees may not:

- (a) Sell liquor,
 - (b) Offer liquor for sale,
 - (c) Deliver liquor (except that beer and/or wine distributors may deliver beer and/or wine to retail licensees between the hours of 2 a.m. and 6 a.m.),
 - (d) Permit the removal of liquor from the premises(, or);
 - (e) Allow liquor to be consumed on the premises((-)); or
 - (f) Possess liquor, except that
- ((~~2~~ Persons)) persons working on the premises may possess liquor between the hours of 2 a.m. and 6 a.m. while in the performance of their official duties.

((~~3~~)) (2) A local government subdivision may fix later opening hours or earlier closing hours than those specified in this rule, so long as the hours apply to all licensed premises in the local government subdivision's jurisdiction. See WAC 314-12-215(3) for exceptions when a premises is in a board recognized alcohol impact area.

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 04-08-126
EXPEDITED RULES
OFFICE OF
FINANCIAL MANAGEMENT
 [Filed April 7, 2004, 9:13 a.m.]

Title of Rule: WAC 82-50-021 Official state lagged semi-monthly pay dates established.

Purpose: To establish official pay dates for state officers and employees for calendar year 2005.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Statute Being Implemented: RCW 42.16.010(1) and 42.16.017.

Summary: This proposed rule making amends WAC 82-50-021 by establishing pay dates for state officers and employees for calendar year 2005 and removing now obsolete pay dates for calendar year 2003.

Reasons Supporting Proposal: The statute requires that the Office of Financial Management annually update and publish state pay dates.

Name of Agency Personnel Responsible for Drafting: Kimberly Holtz, 6639 Capitol Boulevard, Tumwater, (360) 664-7777; Implementation and Enforcement: Wendy Jarrett, 6639 Capitol Boulevard, Tumwater, (360) 664-7675.

Name of Proponent: Office of Financial Management, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 82-50-021 exists to publish the official lagged, semi-monthly pay dates for state officers and employees. This section of WAC, which provides pay dates for the current and ensuing calendar years, is amended each year to add pay dates for the ensuing year and delete the obsolete pay dates for the previous year.

Proposal Changes the Following Existing Rules: Official lagged, semi-monthly pay dates for calendar year 2005 are added and the now obsolete pay dates for calendar year 2003 are deleted.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Roselyn Marcus, Office of Financial Management, P.O. Box 43113, Olympia, WA 98504-3113, AND RECEIVED BY June 8, 2004.

March 30, 2004
 Roselyn Marcus
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 03-11-073, filed 5/20/03, effective 6/30/03)

WAC 82-50-021 Official lagged, semimonthly pay dates established. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semi-monthly pay dates for calendar years ((2003 and)) 2004 and 2005:

((CALENDAR YEAR 2003	CALENDAR YEAR 2004
Friday, January 10, 2003	Friday, January 9, 2004
Friday, January 24, 2003	Monday, January 26, 2004
Monday, February 10, 2003	Tuesday, February 10, 2004
Tuesday, February 25, 2003	Wednesday, February 25, 2004
Monday, March 10, 2003	Wednesday, March 10, 2004
Tuesday, March 25, 2003	Thursday, March 25, 2004
Thursday, April 10, 2003	Friday, April 9, 2004

EXPEDITED

~~CALENDAR YEAR 2003~~

~~Friday, April 25, 2003
 Friday, May 9, 2003
 Friday, May 23, 2003
 Tuesday, June 10, 2003
 Wednesday, June 25, 2003
 Thursday, July 10, 2003
 Friday, July 25, 2003
 Monday, August 11, 2003
 Monday, August 25, 2003
 Wednesday, September 10, 2003
 Thursday, September 25, 2003
 Friday, October 10, 2003
 Friday, October 24, 2003
 Monday, November 10, 2003
 Tuesday, November 25, 2003
 Wednesday, December 10, 2003
 Wednesday, December 24, 2003~~

CALENDAR YEAR 2004

Friday, January 9, 2004
 Monday, January 26, 2004
 Tuesday, February 10, 2004
 Wednesday, February 25, 2004
 Wednesday, March 10, 2004
 Thursday, March 25, 2004
 Friday, April 9, 2004
 Monday, April 26, 2004
 Monday, May 10, 2004
 Tuesday, May 25, 2004
 Thursday, June 10, 2004
 Friday, June 25, 2004
 Friday, July 9, 2004
 Monday, July 26, 2004
 Tuesday, August 10, 2004
 Wednesday, August 25, 2004
 Friday, September 10, 2004
 Friday, September 24, 2004
 Friday, October 8, 2004
 Monday, October 25, 2004
 Wednesday, November 10, 2004
 Wednesday, November 24, 2004
 Friday, December 10, 2004
 Thursday, December 23, 2004

CALENDAR YEAR 2004

Monday, April 26, 2004
 Monday, May 10, 2004
 Tuesday, May 25, 2004
 Thursday, June 10, 2004
 Friday, June 25, 2004
 Friday, July 9, 2004
 Monday, July 26, 2004
 Tuesday, August 10, 2004
 Wednesday, August 25, 2004
 Friday, September 10, 2004
 Friday, September 24, 2004
 Friday, October 8, 2004
 Monday, October 25, 2004
 Wednesday, November 10, 2004
 Wednesday, November 24, 2004
 Friday, December 10, 2004
 Thursday, December 23, 2004))

CALENDAR YEAR 2005

Monday, January 10, 2005
 Tuesday, January 25, 2005
 Thursday, February 10, 2005
 Friday, February 25, 2005
 Thursday, March 10, 2005
 Friday, March 25, 2005
 Monday, April 11, 2005
 Monday, April 25, 2005
 Tuesday, May 10, 2005
 Wednesday, May 25, 2005
 Friday, June 10, 2005
 Friday, June 24, 2005
 Monday, July 11, 2005
 Monday, July 25, 2005
 Wednesday, August 10, 2005
 Thursday, August 25, 2005
 Friday, September 9, 2005
 Monday, September 26, 2005
 Friday, October 7, 2005
 Tuesday, October 25, 2005
 Thursday, November 10, 2005
 Wednesday, November 23, 2005
 Friday, December 9, 2005
 Friday, December 23, 2005

WSR 04-07-048
PERMANENT RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY

[Filed March 10, 2004, 10:03 a.m.]

Date of Adoption: March 4, 2004.

Purpose: Amend the existing Regulation I and repeal the existing Regulation II. Revisions include deletion of sections that no longer apply (i.e., delete articles and sections that contain outdated compliance schedules, limitations, and requirements established in the original regulation's inception; Article VII), delete sections that are duplicative within the regulation or that are duplicative of state regulations (i.e., where it is not necessary for SCAPCA to have certain sections, since SCAPCA implements and enforces the equivalent state regulation sections). Incorporate EPA required changes to Regulation I, Articles I, II, IV, and V so that they can be incorporated into the SIP. Centralize, revise and add to the definitions in Article I. Make corrections to spelling, punctuation, sentence structure, references to other section. Add some fees (Article X). Revise paragraph formats to be consistent throughout the regulation. Attempt to make the regulation more understandable and readable. POST CR-102 Nonsubstantive Revisions: Article II, Section 2.13 E - the effective date for references to federal laws and regulations has been changed to adoption date of the regulation revisions at the recommendation of EPA. Each article's revised date has been changed to reflect the adoption date of March 4, 2004.

Citation of Existing Rules Affected by this Order: Repealing SCAPCA Regulation II; and amending SCAPCA Regulation I.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 04-01-160 on March 4, 2004 [December 22, 2003].

Changes Other than Editing from Proposed to Adopted Version: POST CR-102 Nonsubstantive Revisions: Article II, Section 2.13 E - the effective date for references to federal laws and regulations has been changed to adoption date of the regulation revisions at the recommendation of EPA.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 6, Repealed 0; Federal Rules or Standards: New 1, Amended 6, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 28, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 5, Amended 67, Repealed 22.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 67, Repealed 22.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

March 5, 2004

Charles E. Studer
Environmental Engineer

ARTICLE I

POLICY, SHORT TITLE, AND DEFINITIONS

ADOPTED: June 9, 1969

REVISED: March 4, 2004

EFFECTIVE: ?

AMENDATORY SECTION (Amending Order Res. 92-06, filed 4/9/92)

SECTION 1.01 POLICY

The Spokane County Air Pollution Control Authority, co-extensive with the boundaries of Spokane County, having been activated by the Washington Clean Air Act, Chapter 70.94 RCW as amended, adopts the following Regulation to control the emissions of air contaminants from all stationary sources within the jurisdiction of the Authority; to provide for the uniform administration and enforcement of ~~((this))~~ the Authority's Regulation; and to carry out the requirements and purposes of the Washington Clean Air Act (WCAA).

It is hereby declared to be the public policy of the Spokane County Air Pollution Control Authority to secure and maintain such levels of air quality that protect human health and safety, including the health and safety of the most sensitive members of the population, to comply with the requirements of the ~~((f))Federal ((e))Clean ((a))Air ((a))Act (FCAA)~~, to prevent injury to plant and animal life and to property, to foster the comfort and convenience of its inhabitants, to promote the economic and social development of the County and to facilitate the enjoyment of the natural attractions of the County. It is further the intent of this Regulation to protect the public welfare, to preserve visibility, to protect scenic, aesthetic, historic, and cultural values, and to prevent air pollution problems that interfere with the enjoyment of life, property, or natural attractions.

Wherever ~~((this))~~ the Authority's Regulation ~~((c))~~ constitutes a restatement of the requirements and purposes of Chapter 70.94 RCW, it is the intent of the Authority that the Regulation be interpreted in the same manner as the statute adopted by the Legislature. Any deviation from the statute, except where the statute allows an Authority to be more stringent, is intended for purposes of clarity.

AMENDATORY SECTION (Amending Board Adoption, 6/9/69)

SECTION 1.02 NAME OF AUTHORITY

The name of the County Air Pollution Control Authority, co-extensive with the boundaries of Spokane County, shall be known as the "SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY" (SCAPCA).

SECTION 1.03 SHORT TITLE

This regulation shall be known and cited as "Regulation I of the Spokane County Air Pollution Control Authority."

AMENDATORY SECTION (Amending Order Res. 94-28, filed 11/9/94)

SECTION 1.04 GENERAL DEFINITIONS

Unless otherwise defined differently in an Article of this Regulation, ~~((When used in))~~ the following definitions apply to all of this Regulation ~~((of the Spokane County Air Pollution Control Authority))~~:

A. Actual Emissions means the actual rate of emissions of a pollutant from an emissions unit, as determined in accordance with 1. through 3. of this subsection.

1. In general, actual emissions as of a particular date shall equal the average rate, in tons per year at which the emissions unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal stationary source operation. The Authority shall allow the use of a different time period upon a determination that it is more representative of normal stationary source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

2. The Authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

3. For any emissions unit, which has not begun normal operations on the particular date, actual emissions shall equal the potential-to-emit of the emissions unit on that date.

~~((A. Agricultural Operation means a farmer who can substantiate that the operation is commercial agriculture by showing the most recent year's IRS schedule F form or proof that the land is registered for agricultural use. It also includes burning conducted by irrigation district or drainage district personnel as part of water system management.))~~

~~((B. Agricultural Burning means the burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, or where identified as a best management practice by the Agricultural Burning Practices and Research Task Force established in RCW 70.94.650 or other authoritative source on agricultural practices.))~~

B. ((C)) Air Contaminant means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance or any combination thereof. ((“Air pollutant” means the same as “air contaminant”-))

C. Air Contaminant Source means the same as “source”.

D. Air Operating Permit Source means any facility required to have an air operating permit pursuant to Chapter 173-401 WAC.

E. Air Pollutant means the same as “air contaminant”.

F. ((D)) Air Pollution means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property; or which unreasonably interferes with enjoyment of life and property. For the purposes of this Regulation, air pollution shall not include air contaminants emitted in compliance with Chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

G. Allowable Emissions means the emission rate of a stationary source, calculated using the maximum rated capacity of the stationary source (unless the stationary source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

1. The applicable standards as in 40 CFR Part 60 or 61, or 63;

2. Any applicable SIP emissions limitation including those with a future compliance date; or

3. The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

H. Alteration means the act of altering, which means to change or make different. Alteration includes, but is not limited to, any enlargement, replacement, or change in the design, operation, capacity, or arrangement of a process; any increase in the connected loading of process or control equipment; and any change in fuels, method of operation or hours of operation not previously approved by the Agency.

I. ((E)) Ambient Air means the surrounding outside air.

J. Ambient Air Quality Standard means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air, which shall not be exceeded.

K. Attainment Area means a geographic area, designated by EPA at 40 CFR Part 81, as having attained the National Ambient Air Quality Standard for a given criteria pollutant.

L. ((F)) Authority means Spokane County Air Pollution Control Authority (SCAPCA) or with regard to new source review, any other designated permitting agency.

M. Begin Actual Construction means, in general, initiation of physical on-site construction activities on an emissions unit, which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipe work and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.

N. Best Available Control Technology (BACT) means an emission limitation, based on the maximum degree of reduction for each air pollutant subject to regulation under Chapter 70.94 RCW emitted from, or which results from, any new or modified stationary source, which the Authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such stationary source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of the “best available control technology” result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. Emissions from any stationary source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of BACT in the Federal Clean

Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990.

O. Best Available Control Technology for Toxics, or "Toxic Best Available Control Technology (TBACT)" means an emission limitation applied to each, or each mixture of, toxic air pollutants (TAPs) identified in WAC 173-460-150 & 160 discharged, taking in account the potency, quantity, and toxicity of each TAP or mixture of TAPs discharged, in addition to the meaning given for "BACT", herein.

P. ((G)) Board means Board of Directors of the Spokane County Air Pollution Control Authority.

O. Burn Out Oven means any oven used to clean or remove dirt, grease, grime, paint, varnish, or any other unwanted substance or contaminant, from any object by using controlled incineration, without burning the object itself.

R. Closure or shutdown means permanently stopping or terminating all processes that produce air contaminant emissions at a stationary source or emissions unit.

1. Except as provided for in subsections 3., 4., and 5., whether a closure or shutdown was permanent depends on the intention of the owner and operator at the time of the closure or shutdown, as determined from all facts and circumstances, including the cause of the closure or shutdown and whether registration fees have been paid;

2. A closure or shutdown lasting two or more years is presumed to be permanent, except that this presumption does not apply in the case of a temporary/portable stationary source operating under a valid permit to operate as provided for in Article V, Section 5.08 of this Regulation;

3. A closure or shutdown is permanent, if the owner or operator files a "Source Closure Notification Form", as provided for in Article IV, Section 4.02 of this Regulation. Failure to file such a report does not mean that closure or shutdown was temporary and not permanent.

4. If the owner/operator of the stationary source, fails to pay registration fees for one year or more, then the stationary source is considered permanently closed.

5. A closure or shutdown lasting five or more years is considered permanent even if registration fees have been paid and even in the case of temporary/portable stationary sources.

S. ((H)) Certified Observer means a person who has met the requirements, pursuant to 40 CFR 60, Appendix A, Method 9.

T. Class I Area means any area designated under Section 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas in Washington state:

1. Alpine Lakes Wilderness;
2. Glacier Peak Wilderness;
3. Goat Rocks Wilderness;
4. Mount Adams Wilderness;
5. Mount Rainier National Park;
6. North Cascades National Park;
7. Olympic National Park;
8. Pasayten Wilderness; and
9. Spokane Indian Reservation.

~~((I. Combustion means the exothermic reaction of any material with oxygen-))~~

U. Combustion and Incineration Unit means an emissions unit using combustion for waste disposal, steam pro-

duction, chemical recovery or other process requirements; excluding outdoor burning.

V. Commenced, as applied to construction, means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

1. Begun, or caused to begin, a continuous program of actual on-site construction of the stationary source, to be completed within a reasonable time; or

2. Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the stationary source to be completed within a reasonable time.

For the purposes of this definition, "necessary preconstruction approvals" means those permits or orders of approval required under federal air quality control laws and regulations, including state, local and federal regulations and orders contained in the State Implementation Plan (SIP).

W. Concealment means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

X. Construction means fabrication, erection, or installation of a stationary source.

Y. ((F)) Control Equipment means any equipment which has the primary function of regulating or controlling emissions from a process, fuel burning or refuse burning equipment and thus reduces the formation of, or the emission of, air contaminants into the atmosphere, or both.

Z. ((K)) Control Officer means the Air Pollution Control Officer for the Spokane County Air Pollution Control Authority or his/her duly authorized representative. ("Director" means the same as "control officer").

AA. Criteria Pollutant means a pollutant for which there is established a National Ambient Air Quality Standard in 40 CFR Part 50. The criteria pollutants are carbon monoxide (CO), particulate matter (PM₁₀ and PM_{2.5}), ozone (O₃), sulfur dioxide (SO₂), lead (Pb), and nitrogen dioxide (NO₂).

BB. Ecology means the Washington State Department of Ecology.

CC. ((L)) Emission means a release of air contaminants into the ambient air.

DD. ((M)) Emission Point means the point at which emissions are released into the ambient air, such as, but not limited to, a duct, vent, stack, pipe, or other opening to the ambient air.

EE. Emission Reduction Credit means a credit granted, by the Authority, to a stationary source for a voluntary reduction in actual emissions per WAC 173-400-131.

FF. Emission Standard and Emission Limitation means a requirement established under the Federal Clean Air Act or Chapter 70.94 RCW which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a stationary source to assure continuous emission reduction and any design, equipment work practice, or operational standard adopted under the Federal Clean Air Act or Chapter 70.94 RCW.

GG. ((N)) Emissions Unit means any part of a stationary source which emits, or would have the potential-(())to(())-

emit, any pollutant subject to rules and regulation(s) (~~under~~) pursuant to the Federal Clean Air Act (FCAA), the Washington State Clean Air Act (Chapter 70.94 RCW), the Washington Nuclear Energy and Radiation ACT (Chapter 70.98 RCW), or (~~Regulations of~~) the Authority. This term does not include non-road engines.

HH. ((Θ)) Episode means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as given in (~~Chapter~~) RCW 70.94.715 (~~RCW~~).

II. ((P)) Federal Clean Air Act (FCAA) means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq, as (~~last~~) amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990 and subsequent amendments.

JJ. Federal Class I Area means any federal land that is classified or reclassified Class I. The following areas are federal Class I areas in Washington state:

1. Alpine Lakes Wilderness;
2. Glacier Peak Wilderness;
3. Goat Rocks Wilderness;
4. Mount Adams Wilderness;
5. Mount Rainier National Park;
6. North Cascades National Park;
7. Olympic National Park; and
8. Pasayten Wilderness.

KK. Federal Land Manager means the secretary of the department with authority over federal lands in the United States. This includes, but is not limited to, the U.S. Department of the Interior - National Park Service, the U.S. Department of Agriculture - Forest Service, and/or the U.S. Department of the Interior - Bureau of Land Management.

LL. Federally enforceable means all limitations and conditions which are enforceable by EPA, including those requirements developed pursuant to 40 CFR Parts 60, 61, and 63; requirements within the Washington SIP, requirements within any permit established under 40 CFR 52.21 or order of approval under a SIP approved new source review regulation, or any voluntary limits on emissions pursuant to WAC 173-400-091.

MM. ((Q)) Fire Protection Agency means a city fire department, county fire department, local fire protection district, or the Washington State Department of Natural Resources.

NN. Fugitive Dust means particulate emissions made airborne by forces of wind, human activity, or both. Unpaved roads, construction sites, and tilled land are examples of sources of fugitive dust. Fugitive dust is a type of fugitive emission.

OO. Fugitive Emissions means emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

PP. ((R)) Garbage means putrescible animal or vegetable waste resulting from the handling, preparation, cooking or serving of food.

QQ. Good Engineering Practice (GEP), as used in Chapter 173-400 WAC, refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

RR. ((S)) Incinerator means a furnace used primarily for the thermal destruction of waste.

SS. In Operation means engaged in activity related to the primary design function of the stationary source.

TT. Installation means the act of installing, which means placing, assembling or constructing process equipment or control equipment at the premises where the equipment will be used. Installation includes all preparatory work at such premises.

UU. Lowest Achievable Emission Rate (LAER) means for any stationary source, that rate of emissions which reflects the more stringent of:

1. The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless the owner or operator of the proposed new or modified stationary source demonstrates that such limitations are not achievable; or

2. The most stringent emission limitation which is achieved in practice by such class or category of stationary source.

3. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable New Source Performance Standards (NSPS).

VV. 1. Major Modification, as it applies in nonattainment areas, is defined in WAC 173-400-112.

2. Major Modification, as it applies in attainment or unclassified areas, is defined in WAC 173-400-113.

WW. 1. Major Stationary Source, as it applies in nonattainment areas, is defined in WAC 173-400-112.

2. Major Stationary Source, as it applies in attainment or unclassified areas, is defined in WAC 173-400-113.

XX. Masking means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

YY. Materials Handling means the handling, transporting, loading, unloading, storage, or transfer of materials with no significant chemical or physical alteration.

ZZ. Modification means 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 stationary source or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code (USC), and with rules implementing that section.

AAA. National Ambient Air Quality Standard (NAAQS) means an ambient air quality standard set by EPA at 40 CFR Part 50 and includes standards for carbon monoxide (CO), particulate matter, ozone (O₃), sulfur dioxide (SO₂), lead (Pb), and nitrogen dioxide (NO₂).

BBB. National Emission Standards for Hazardous Air Pollutants (NESHAP) means the federal rules in 40 CFR Part 61.

CCC. National Emission Standards for Hazardous Air Pollutants for Source Categories means the federal rules in 40 CFR Part 63. These rules are commonly referred to as Maximum Available Control Technology (MACT) standards.

DDD. 1. Net Emissions Increase, as it applies to stationary sources subject to requirements for new sources in nonattainment areas, is defined in WAC 173-400-112.

2. Net Emissions Increase, as it applies to stationary sources subject to requirements for new sources in attainment or unclassified areas, is defined in WAC 173-400-113.

EEE. New Source means one or more of the following:

1. The construction or modification of a "stationary source" that increases the amount of any air contaminant emitted by such "stationary source" or that results in the emission of any air contaminant not previously emitted;

2. Any other project that constitutes a new source under the Federal Clean Air Act.

3. Restart of a "stationary source" after permanent shut-down; or

4. Relocation of a "stationary source" to a new location, except in the case of portable stationary sources operating under a valid "permit to operate" as provided in Article V, Section 5.08.A.2 through 5.08.A.5.

FFF. New Stationary Air Contaminant Source, as used in this Regulation, means the same as "new source".

GGG. New Source Performance Standards (NSPS) means the Federal rules in 40 CFR Part 60.

HHH. Nonattainment Area means a geographic area designated by EPA at 40 CFR Part 81 as exceeding a NAAQS for a given criteria pollutant. An area is nonattainment only for the pollutants for which the area has been designated non-attainment.

III. Nonroad Engine means:

1. Except as provided in 2. of this subsection, any internal combustion engine:

a. In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or

b. In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

c. That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Methods of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

2. An internal combustion engine is not a nonroad engine if:

a. The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under Section 202 of the FCAA; or

b. The engine is regulated by a NSPS promulgated under Section 111 of the FCAA; or

c. The engine otherwise included in 1.c. of this subsection remains or will remain at a location for more than twelve consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced, will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that oper-

ates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location.

JJJ. Notice of Construction (NOC) Application or Notice of Construction and Application for Approval means a written application to permit construction of a new source, modification of an existing stationary source or replacement or substantial alteration of control technology at an existing stationary source. Affected activities include, but are not limited to, equipment modifications or alterations, changes to process or control equipment, establishment of emission limits, installation of "new sources," control technology determinations, PSD determinations (by Ecology), and other items specified by the Authority.

KKK. ((F)) Odor means that property of a substance, which allows its detection by the sense of smell or through the use of instruments designed for that purpose.

LLL. ((U)) Opacity means the degree to which an object seen through a plume is obscured, stated as a percentage.

MMM. Outdoor Burning or Open Burning means 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 in a manner approved by the Authority. For the purposes of this Regulation, "Outdoor burning" means all types of outdoor burning except agricultural burning and silvicultural burning (RCW 70.94.743)

((V. Open Fire, Outdoor Fire or Open Burning means 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 in a manner approved by the Authority.))

NNN. Order means any order issued by Ecology or the Authority pursuant to Chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.152, 70.94.153, and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, permit to operate, compliance schedule order, consent order, order of denial, notice of violation, and regulatory order.

OOO. Order of Approval, Approval Order or Permit means a regulatory order issued by Ecology or the Authority to approve the Notice of Construction Application for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source.

PPP. Ozone depleting substance means any substance listed in Appendices A and B to Subpart A of 40 CFR Part 82.

QQQ. ((W)) Particulate Matter or P((p))articulates means any airborne finely ((-))divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

RRR. Particulate Matter Emissions means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air, as measured by applicable reference methods, or an equivalent or alternative method specified in Title 40 Chapter I of the Code of Federal Regulations or by a test method specified in the SIP.

SSS. Parts per Million by Volume (ppmv) means parts of a contaminant per million parts of gas or carrier medium, by volume, exclusive of water or particulate matter.

TTT. Permit to Operate, Permission to Operate and Temporary or Portable Permit means a regulatory order issued by Ecology or the Authority to approve the *Notice of Intent to Install and Operate a Temporary Source Application* for the relocation of a proposed temporary or portable stationary source.

UUU. Permitting Agency means the Authority, except that Ecology is the permitting agency pursuant to WAC 173-400-141 (PSD) and for air pollution sources that have been retained by Ecology's Industrial Sector, pursuant to RCW 70.94.422, in Spokane County.

VVV. ((X)) Person means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

WWW. PM₁₀ means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

XXX. PM₁₀ Emissions means finely-divided solid or liquid material, including condensible particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the SIP.

YYY. ((Y)) Pollution Control Hearings Board of Washington(=) means the body established under Chapter 43.21 RCW to adjudicate hearings pertaining to decisions and orders of the Authority (~~Department of Ecology and other pollution control agencies~~).

ZZZ. Portable Stationary Source means a stationary source consisting of one or more emission units that is portable or transportable (excluding non-road engines) that emits pollutants at a specific site for a brief period and then moves to another site(s) and emits pollutants for a brief period and that is established at any specific site for less than 12 consecutive months. Portable equipment includes, but is not limited to: portable rock crushers, portable asphalt plants, portable concrete batch plants and each of their auxiliary emissions producing equipment). The act of installing a portable source at a particular site is considered to be the construction of a new source or modification of an existing source and therefore is subject to the requirements of new source review the first time that the Portable Stationary Source locates in Spokane County; thereafter, the Portable Stationary Source is subject to the requirements of Sections 5.08.A.2 through 5.08.A.5 of this Regulation. A Portable Stationary Sources is a subset of Temporary Stationary Source.

AAAA. Potential-to-emit (PTE) means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emis-

sions are not included in determining the potential-to-emit of a stationary source.

BBBB. Prevention of Significant Deterioration (PSD) means the program set forth in WAC 173-400-141.

CCCC. Reasonably Available Control Technology (RACT) means the lowest emission limit that a particular stationary source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual stationary source or source category, taking into account the impact of the stationary source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any stationary source or source category shall be adopted only after notice and opportunity for comment are afforded. RACT shall apply to existing stationary sources.

DDDD. ((Z)) Refuse means putrescible and non-putrescible solid wastes including garbage, rubbish, ashes, incinerator residue, dead animals, abandoned automobiles, solid market wastes, street cleanings, and solid commercial and industrial waste (including waste disposal in industrial salvage).

EEEE. Regulatory Order means an order issued to a stationary air contaminant source by Ecology, or the Authority, which subjects that stationary source to applicable provisions of Chapter 70.94 RCW, or the rules and regulations adopted thereunder.

FFFF. Secondary Emissions means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the major stationary source or major modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

1. Emissions from ships or trains located at the new or modified stationary source; and

2. Emissions from any off-site support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

GGGG. Significant:

1. As it applies to new sources in nonattainment areas, is defined in WAC 173-400-112.

2. As it applies to new sources in attainment or unclassified areas, is defined in WAC 173-400-113.

3. As it applies to stationary air contaminant sources subject to Articles IV and X of this Regulation, means:

a. Increased emissions of 10 tons per year of any one toxic air pollutant or hazardous air pollutant; or,

b. Increased emissions of a combined 25 tons per year of two or more toxic air pollutants or hazardous air pollutants; or,

c. In reference to a net emissions increase or the stationary source's potential-to-emit any of the following pollutants,

a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate

<u>Carbon monoxide:</u>	<u>100 tons per year (tpy)</u>
<u>Nitrogen oxides:</u>	<u>40 tpy</u>
<u>Sulfur dioxide:</u>	<u>40 tpy</u>
<u>Particulate matter (PM):</u>	<u>25 tpy of PM emissions</u> <u>15 tpy of PM-10 emissions</u>
<u>Volatile organic compounds:</u>	<u>40 tpy</u>
<u>Fluorides:</u>	<u>3 tpy</u>
<u>Lead:</u>	<u>0.6 tpy</u>
<u>Sulfuric acid mist:</u>	<u>7 tpy</u>
<u>Hydrogen sulfide (H₂S):</u>	<u>10 tpy</u>
<u>Total reduced sulfur (including H₂S):</u>	<u>10 tpy</u>
<u>Reduced sulfur compounds (including H₂S):</u>	<u>10 tpy</u>
<u>Municipal waste combustor organics: (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)</u>	<u>3.2 grams per year (0.112 oz. per year or 49 grains per year)</u>
<u>Municipal waste combustor metals: (measured as particulate matter)</u>	<u>14 megagrams per year (15 tpy)</u>
<u>Municipal waste combustor acid gases: (measured as sulfur dioxide and hydrogen chloride)</u>	<u>36 megagrams per year (40 tpy)</u>
<u>Municipal solid waste land-fill emissions: (measured as nonmethane organic compounds)</u>	<u>45 megagrams per year (50 tpy)</u>
<u>Ozone-depleting substances (in effect on the date listed in Article II, Section 2.13 of this Regulation):</u>	<u>100 tpy</u>

d. Regardless of the definition in GGGG.3, significant means any emissions rate or any net emissions increase associated with a major stationary source or major modification which constructs a stationary air contaminant source within 10 kilometers of a Class I area, and has an ambient air quality impact on such area equal to, or greater than, 1 microgram per cubic meter (twenty-four-hour average), demonstrated through an Authority approved dispersion model.

HHHH. ((AA)) Silvicultural Burning means burning on unimproved land the Department of Natural Resources projects pursuant to RCW 70.94.030(20), 70.94.660, 70.94.690 and pursuant to Chapter ((RCW)) 76.04 RCW.

III. ((BB)) Source means all of the emissions unit(s) 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 groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 supplement.

JJJJ. Source Category means all sources of the same type or classification.

KKKK. Stack means any point in a stationary source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

LLLL. Stage I Vapor Recovery means the capture of all gasoline vapors at gasoline dispensing facilities during the transfer of gasoline from a transport tank into a stationary storage tank, except motor vehicle refueling. Regulations relating to Stage I vapor recovery are found in Chapter 173-491 WAC.

MMMM. Stage II Vapor Recovery means the capture of gasoline vapors at gasoline dispensing facilities during the transfer of gasoline from a stationary storage tank into a motor vehicle fuel tank. Regulations relating to Stage II vapor recovery are found in Chapter 173-491 WAC.

NNNN. ((CC)) Standard Conditions means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) ((760 mm)) of mercury.

OOOO. State Implementation Plan (SIP) or Washington SIP means the Washington SIP in 40 CFR Part 52, subpart WW. The SIP contains state, local and federal regulations and orders, the state plan and compliance schedules approved and promulgated by EPA, for the purpose of implementing, maintaining, and enforcing the National Ambient Air Quality Standards.

PPPP. Stationary Air Contaminant Source means the same as "Stationary Source".

QQQQ. Stationary Source means any building, structure, facility, or installation that emits or may emit any air contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle, as defined in Section 216(11) of the Federal Clean Air Act.

RRRR. Synthetic Minor means any stationary source whose potential-to-emit has been limited below applicable major stationary source thresholds by means of a federally enforceable order, rule, or permit condition.

SSSS. Temporary Stationary Source means a stationary source consisting of one or more emission units that is portable or transportable (excluding non-road engines) that emits pollutants at a specific site for a brief period and then not again for the foreseeable future and that is established at any site for less than 12 consecutive months. A temporary stationary source includes, but is not limited to: a temporary boiler, while a permanent boiler is undergoing maintenance; fugitive dust emissions associated with the construction of a new building; non-stationary stump grinders and each of their auxiliary emissions producing equipment. The act of installing a Temporary Stationary Source at a particular site may or may not be considered to be the construction of a new source

PERMANENT

or modification of an existing source and therefore may or may not be subject to the requirements of new source review.

TTTT. Total Actual Annual Emissions means the total of all criteria and toxic air pollutant emissions for the most recent complete year that is available to the Authority.

UUUU. Total Reduced Sulfur (TRS) means the sum of the mass of sulfur compounds, hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides, emitted and measured by EPA method 16 in Appendix A to 40 CFR Part 60 or an approved equivalent method and expressed as hydrogen sulfide.

VVVV. Total Suspended Particulate means the mass of particulate matter as measured by the method described in 40 CFR Part 50 Appendix B.

WWWW. Toxic Air Pollutant (TAP) or Toxic Air Contaminant means any Class A or B toxic air pollutant listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds, if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 and/or 173-460-160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

XXXX. Upset condition means a failure, breakdown, or malfunction of any piece of process equipment or pollution control equipment that causes, or has the potential to cause, excess emissions.

YYYY. Unclassifiable Area means an area that cannot be designated attainment or nonattainment on the basis of available information as meeting or not meeting the National Ambient Air Quality Standard for the criteria pollutant and that is listed by EPA at 40 CFR Part 81.

ZZZZ. United States Environmental Protection Agency (USEPA) shall be referred to as EPA.

AAAAA. Visibility impairment means any humanly perceptible change in visibility (light extinction, visual range, contrast, or coloration) from that which would have existed under natural conditions.

BBBBB. Visibility impairment of Class I areas means visibility impairment within the Class I area and visibility impairment of any formally designated integral vista associated with the Class I area.

CCCCC. Volatile Organic Compound (VOC) means any carbon compound that participates in atmospheric photochemical reactions.

1. Exceptions. The following compounds are not a VOC: Acetone; carbon monoxide; carbon dioxide; carbonic acid; metallic carbides or carbonates; ammonium carbonate, methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a);

1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C4F9OCH3); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCF2OCH3); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C4F9OC2H5); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane((CF3)2CFCF2OC2H5); methyl acetate and perfluorocarbon compounds that fall into these classes:

a. Cyclic, branched, or linear completely fluorinated alkanes;

b. Cyclic, branched, or linear completely fluorinated ethers with no unsaturations;

c. Cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations; and

d. Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

2. For the purpose of determining compliance with emission limits, VOC is measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where the method also measures compounds with negligible photochemical reactivity, these negligibly reactive compounds are excluded as VOC, if the amount of the compounds is accurately quantified, and the exclusion is approved by the Authority, or EPA.

3. As a precondition to excluding these negligibly-reactive compounds as VOC or at any time thereafter, the Authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Authority, the amount of negligibly-reactive compounds in the stationary source's emissions.

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

ARTICLE II

GENERAL PROVISIONS

ADOPTED: June 9, 1969

REVISED: March 4, 2004

EFFECTIVE: ?

AMENDATORY SECTION (Amending Order Res. 74-09 filed 4/1/74)

SECTION 2.01 POWERS AND DUTIES OF THE BOARD

A. Pursuant to, and consistent with, the provisions of the (~~("~~) Washington Clean Air Act (~~("~~ RCW 70.94)) Chapter 70.94 RCW, the Board shall establish such procedures and take such action as may be required to implement Section 1.01 of this Regulation (~~(consistent with the State Act and other applicable laws)~~). The Board may take such action as may be necessary to prevent air pollution, including control and measurement of the emission of any air contaminant from a source. The Board shall appoint a Control Officer, competent in the control of air pollution who shall, with the Board's advice and approval, enforce the provisions of (~~(this Regulation and)~~) all ordinances, orders, resolutions, (~~(or)~~) rules and regulations of this Authority, pertinent to the control and prevention of air pollution in (~~(the)~~) Spokane County.

B. The Board shall have the power to hold hearings relating to any aspect of or matter in the administration of this Regulation and in connection therewith; issue subpoenas to compel the attendance of witnesses and production of evidence, administer oaths and take the testimony of any person under oath.

C. The Board shall have the power to adopt, amend and repeal its own ordinances, resolutions, rules, (~~(or)~~) orders and regulations. Any adoption, amendment, or repeal of the Board's ordinances, resolutions, rules, (~~(or)~~) orders and regulations shall be made after due consideration at a public hearing held in accordance with Chapter 42.30 RCW, and shall have the same force and effect as all other of the Board's ordinances, resolutions, rules, or orders and regulations as soon as adopted by the Board. (See RCW 70.94.141)

AMENDATORY SECTION (Amending Order Res. 02-01, filed 1/3/02)

SECTION 2.02 CONTROL OFFICER'S DUTIES AND POWERS

A. The Control Officer and/or his authorized (~~(agent)~~) representatives shall observe and enforce the provisions of the (~~(State Law)~~) Washington Clean Air Act and all orders, ordinances, resolutions, (~~(or)~~) rules and regulations of the Authority pertaining to the control and prevention of air pollution pursuant to the policies set forth (~~(down)~~) by the Board.

B. The Control Officer, with the approval of the Board, shall have the authority to appoint and remove such employees as are necessary to the performance of the duties assigned to him and to incur necessary expenses within the limitations of the budget.

C. The Control Officer shall maintain appropriate records and submit reports as required by the Board, (~~(the State Agency)~~) Ecology, and EPA (~~(the appropriate Federal Agencies)~~).

D. The Control Officer may engage, at the Authority's expense, within the limitation of the budget, qualified individuals or firms to make independent studies and reports as to the nature, extent, quantity or degree of any air contaminants which are or may be discharged from any source within the Authority's jurisdiction.

E. For the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the

atmosphere, the Control Officer, Ecology, or their duly authorized representatives shall have the power to enter at reasonable times upon any private or public property, excepting non-multiple unit private dwellings housing two families or less. No person shall refuse entry or access to the Control Officer, Ecology, or their duly authorized representative who requests entry for the purpose of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper or interfere with any such inspection.

F. 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 that affects or may affect the emission of air contaminants, he/she 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 Control Officer or the authorized representative of the Authority shall give a receipt to the owner or lessee for the sample obtained.

G. The Control Officer shall be empowered by the Board to sign official complaints or issue citations or initiate court suits or use other legal means to enforce the provisions of (~~(this)~~) the Authority's Regulation.

H. The Control Officer or his/her duly authorized representative may obtain, from the owner or operator of an air contaminant source, information or analyses that discloses the nature, extent, or quantity of air contaminants which are, or may be, discharged by such an air contaminant source, and the control equipment in use on such air contaminant source (~~(, when the information or analyses is available or reasonably capable of being assembled)~~).

I. The Control Officer or his/her duly authorized representative may require that safe access and adequate sampling facilities be provided to the Authority by the owner or operator of an air contaminant source that is to be tested. (~~(The Authority shall request and receive, of the owner or operator of the facility, access to the facility at least fifteen (15) days prior to the date when the air contaminant source will be tested.)~~)

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

AMENDATORY SECTION (Amending Order Res. 92-06, filed 4/9/92)

SECTION 2.03 CONFIDENTIAL OR PROPRIETARY INFORMATION (SEE RCW 70.94.205)

The Authority implements and enforces RCW 70.94.205. (~~(Whenever any records or other information, other than ambient air quality data or emission data, furnished to or obtained by the Authority, pursuant to Chapter 70.94 RCW, relate to processes or production unique to the owner or operator, or is likely to adversely affect the competitive position of such owner or operator if released to the public or to a competitor 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 Department of Ecology or the Authority. (RCW 70.94.205))~~)

AMENDATORY SECTION (Amending Order Res. 97-04, filed 4/3/97)**SECTION 2.04 VIOLATIONS (SEE RCW 70.94.211)**

The Authority implements and enforces RCW 70.94.211.

~~A. ((At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 or RCW 70.94.431, the Authority shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of Chapter 70.94 RCW, or any regulation, ordinance, or resolution in force pursuant thereto, alleged to be violated and the facts alleged to constitute a violation thereof, and may include an order directing that necessary corrective action be taken within a reasonable amount of time. In lieu of an order, the Board or the Control Officer may require that the alleged violator or violators appear before the Board of Directors for a hearing. Every Notice of Violation shall offer to the alleged violator an opportunity to meet with the Authority prior to the commencement of enforcement action.~~

~~B. The Control Officer may, in place of an order or hearing after service of a notice of violation, request the County Prosecutor to prosecute a criminal action against the violator.))~~

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

AMENDATORY SECTION (Amending Order Res. 74-09, filed 4/1/74)**SECTION 2.05 ORDERS AND HEARINGS (SEE RCW 70.94.221)**

The Authority implements and enforces RCW 70.94.221.

~~((A. Any order issued by the Board or by the Control Officer, which is not preceded by a hearing, shall become final, unless such order is appealed to the Hearings Board no later than thirty (30) days after the date the notice and order are served. All petitions of appeal from the notice and order are to be filed with the offices of the Pollution Control Hearings Board of Washington. (Chapter 43.21B RCW))~~

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

AMENDATORY SECTION (Amending Order Res. 74-09, filed 4/1/74)**SECTION 2.06 APPEAL((S)) OF ((FROM)) BOARD ORDERS ((JUDICIAL REVIEW))**

A. Any order issued by the board or by the control officer, shall become final unless such order is appealed to the hearings board as provided in chapter 43.21B RCW. This is the exclusive means of appeal of such an order.

B. The Control Officer may stay the effectiveness of an order during the pendency of such an appeal. At any time

during the pendency of such an appeal of such an order to the PCHB, the appellant may apply to the PCHB pursuant to Chapter 43.21B RCW and Chapter 371-08 WAC for a stay of the order or for the removal thereof.

C. Upon failure to comply with any final order of the Board or Control Officer, the attorney for the Authority, upon request of the Board or Control Officer, may bring an action in the superior court of the county where the violation occurred or the potential violation is about to occur to obtain such relief as necessary.

~~((A. Any order issued by the Board after a hearing shall become final, unless no later than thirty days after the issuance of such order, a notice of appeal is filed with the Hearings Board as provided in RCW 43.21(B).~~

~~B. Any order issued by the Board after the hearing shall become final unless no later than thirty days after the issuance of such order, a petition requesting judicial review is filed in accordance with the provisions of Chapter 34.04 RCW and now or hereafter amended. When such a petition is filed, the Superior Court shall initiate a hearing pursuant to RCW 34.04.130 within ninety days after the receipt of the petition requesting judicial review. Every appeal from a decision of the)) Superior Court shall be heard by the appropriate appellate courts as soon as possible. Such appeals shall be considered a case involving issues of broad public import, requiring prompt and ultimate determination.~~

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

AMENDATORY SECTION (Amending Board Adoption, 6/9/69)**SECTION 2.07 (RESERVED) ((STATUS OF ORDERS OR APPEAL**

~~A. Any order of the Board or the Control Officer 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.~~

~~B. Nothing in this Regulation shall prevent the Board or Control Officer from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means. (RCW 70.94.223))~~

AMENDATORY SECTION (Amending Order Res. 97-04, filed 4/3/97)**SECTION 2.08 FALSIFICATION OF STATEMENTS OR DOCUMENTS, AND TREATMENT OF DOCUMENTS**

A. No person shall willfully make a false or misleading statement to the Board or their authorized representative 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 Chapter 70.94 RCW, or any regulation, ordinance, resolution, permit, or order in force pursuant thereto.

C. Any order or registration certificate required to be obtained by Chapter 70.94 RCW, or any regulation, ordinance, resolution, permit, or order in force pursuant thereto, shall be available for review on the premises designated on the order or certificate.

D. In the event 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 Authority.

E. No person shall make any false material statement, representation or certification in any form, in any notice or report required under Chapter 70.94 RCW, or any regulation, ordinance, resolution, permit, or order in force pursuant thereto.

F. No person shall render inaccurate any monitoring device or method required under Chapter 70.94 RCW, or any regulation, ordinance, resolution, permit, or order in force pursuant thereto.

AMENDATORY SECTION (Amending Order Res. 74-09, filed 4/1/74)

SECTION 2.09 (RESERVED) ((SERVICE OF NOTICE

~~A. Service of any written notice required by this Regulation shall be made on the owner or lessee of equipment, or his agent as follows:~~

~~1. Either by mailing the notice in a prepaid envelope directed to the owner or lessee of the equipment, or his agent, at the address listed on his application or order of registration certificate, or at the address where the equipment is located, by United States Postal Service Certified Mail, return receipt requested, or,~~

~~2. By leaving the notice with owner or lessee of the equipment, or his agent, or if the owner or lessee is not an individual, then a member of the partnership or other concerned or with an officer or managing agent of the corporation.~~

~~B. Service of any written notice required by this Regulation shall be made to the Authority as follows:~~

~~1. Either by mailing the notice in a prepaid envelope directed to the Authority at its office, by United States Postal Service Certified Mail, return receipt requested, or~~

~~2. By leaving the notice at the Authority office with an employee of the Authority.))~~

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

AMENDATORY SECTION (Amending Board Adoption, 6/9/69)

SECTION 2.10 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 the 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. ((RCW 70.94.911))

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

AMENDATORY SECTION (Amending Order Res. 97-04, filed 4/3/97)

SECTION 2.11 (SEE RCW 70.94.430 (CRIMINAL PENALTIES), 431 (CIVIL PENALTIES), & 435 (ADDITIONAL MEANS FOR ENFORCEMENT)) ((PENALTIES

The Authority implements and enforces Chapter 70.94.430, 431, & 435 RCW.

A. Criminal Penalties

~~1. Any person who knowingly violates any of the provisions of Chapter 70.94 RCW or any regulation, ordinance, or resolution in force pursuant thereto, is guilty of a crime and upon conviction is subject to punishment by a fine or by imprisonment in county jail or by both fine and imprisonment, as provided by Chapter 70.94 RCW, for each separate violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.~~

~~2. 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 is guilty of a crime and upon conviction is subject to punishment by a fine or by imprisonment or both, as provided by Chapter 70.94 RCW.~~

~~3. 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, is guilty of a crime and upon conviction is subject to punishment by a fine or by imprisonment or both, as provided by Chapter 70.94 RCW.~~

~~4. Any person who knowingly fails to disclose a potential conflict of interest under Chapter 70.94 RCW is guilty of a gross misdemeanor, and upon conviction thereof, is subject to a fine as provided by Chapter 70.94 RCW.~~

B. Other Penalties

~~1. a. In addition to, or as an alternative to, any other penalty provided by law, any person who violates any of the provisions of Chapter 70.94 RCW or any of the rules and regulations of the Department of Ecology or this Authority in force under this chapter may incur a civil penalty in an amount not to exceed that provided by Chapter 70.94 RCW for each violation. Each such violation is a separate and distinct offense,~~

and in case of a continuing violation, each day's continuance is a separate and distinct violation.

b. Any person who fails to take action as specified by an order issued pursuant to Chapter 70.94 RCW or this Regulation is liable for a civil penalty in an amount not to exceed the penalty authorized by Chapter 70.94 RCW for each day of continued noncompliance.

2. Penalties incurred but not paid shall accrue interest, beginning on the ninety first 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 day following final resolution of the appeal.

3. Each act of commission or omission, which procures, aids, or abets in the violation, is a violation under the provisions of this section and subject to the same penalty.

4. The penalty is due and payable on the later of:

a. Thirty days after receipt of the notice imposing the penalty;

b. Thirty days after receipt of the notice of disposition on application for relief from penalty, if such an application is made; or

e. Thirty days after receipt of the notice of decision of the Pollution Control Hearings Board of Washington if the penalty is appealed.

If the penalty is not paid within thirty days after it becomes due and payable, the Authority may bring an action to recover such penalty in the Superior Court of Spokane County. The penalties provided by Chapter 70.94 RCW and this section are imposed pursuant to RCW 43.21B.300.

5. All penalties recovered under this section by the Authority shall be payable to the treasury of the Authority and credited to its funds.

6. To secure the penalty incurred under this section, the Authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

7. In addition to other penalties provided by this section, persons falsifying emission data or other information used to set fees, or persons required to pay emission, registration, permit, or any other fee payable to the Authority, who are more than ninety days late with such payments, are subject to a penalty equal to three times the amount of the original fee. The penalty shall be in addition to the fee.)

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

AMENDATORY SECTION (Amending Board Adoption, 6/9/69)

SECTION 2.12 (SEE RCW 70.94.425) ((RESTRAINING ORDER - INJUNCTION - OTHER COURT ORDER

The Authority implements and enforces RCW 70.94.425.

Notwithstanding the existence or use of any other remedy whenever any person has engaged in, or is about to

~~engage in, acts or practices which constitute or will constitute a violation of any provision of this regulation or any rule, regulation or order issued by the Board, or Control Officer or his authorized agent, the Board, or their designee, after notice to such person and an opportunity to comply, may petition the County Superior Court for a restraining order or a temporary or permanent injunction or another appropriate order. (RCW 70.94.425))~~

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

NEW SECTION

SECTION 2.13 FEDERAL REGULATION REFERENCE DATE

Whenever federal laws or regulations are referenced in this Regulation, the effective date shall be March 04, 2004 ((July 1, 2004)), unless otherwise noted.

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

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

ARTICLE III

AMENDATORY SECTION [TITLE] (Amending Board Adoption, 6/9/69)

VARIANCES((, WHEN PERMITTED))

ADOPTED: June 9, 1969

REVISED: March 4, 2004

EFFECTIVE: ?

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

AMENDATORY SECTION (Amending Board Adoption, 6/9/69)

SECTION 3.01 Variances—Application for—Considerations—Limitations—Renewals—Review.

AMENDATORY SECTION (Amending Board Adoption, 6/9/69)

A. Any person, or group of persons, who own or is in control of any plant, building, structure, establishment, process(es) or ((like)) equipment, may apply to the Board for a variance from rules or regulations governing the quality, nature, duration or extent of discharges of air ((process or equipment, including a group of persons who owns or controls like)) contaminants. The application shall be accompa-

PERMANENT

nied by such information and data as the Board may require. The Board may grant such variance, provided that variances to state rules shall require Ecology's approval, prior to being issued by the Board. The total time period for a variance and renewal of such variance shall not exceed one year. Variances may be issued by either Ecology, where Ecology has retained jurisdiction, or the Board, but only after public ((hearing or due notice)) involvement per WAC 173-400-171, if it finds that:

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

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

NEW SECTION

B. In addition to the requirements of Section 3.01.A above, applications seeking a variance shall not be considered complete unless the applicant provides:

1. A list of interested parties and neighbors within 500 feet or more of the property on which the variance is proposed to occur, as deemed necessary by the Control Officer.

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

AMENDATORY SECTION (Amending Board Adoption, 6/9/69)

C. ((B-)) No variance shall be granted pursuant to this section until the Board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public. The Board shall conduct a fact-finding public hearing, upon due notice being published and sent to all interested parties within 500 feet of the property on which the variance is proposed. The Control Officer may require notice to parties beyond 500 feet, if deemed necessary. A 30-day advance public notice shall be published in a newspaper of general circulation in the area of the proposed variance and shall include the following information:

1. The time, date, and place of the hearing;
2. The name and address of the owner or operator and the source;
3. A brief description of the variance request; and
4. The deadline for submitting written comments to the Agency.

AMENDATORY SECTION (Amending Board Adoption, 6/9/69)

D. ((C-)) Any variance or renewal thereof shall be granted within the requirements of Section 3.01.A of this Regulation ((Subsection A and for a time period and)) under

conditions consistent with the reasons therefor((e)), and within the following limitations:

1. If the variance is granted on the ground((s)) 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 alternate measure that the Board may prescribe.

2. If the variance is granted on the ground that compliance with the particular requirement((s)) or requirements 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((s)), as in the view of the 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 hardship of a kind other than that provided for in Sections 3.01.D.1 and 3.01.D.2 of this Regulation ~~((Item 1 and 2 of this subsection))~~, it shall be for not more than one (1) year.

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

AMENDATORY SECTION (Amending Board Adoption, 6/9/69)

E. ((D-)) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint 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 receipt of an application for renewal, the Board shall give public notice of such application in accordance with rules and regulations of Ecology or the Authority ((the Board)).

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

AMENDATORY SECTION (Amending Order Res. 74-09 filed 4/1/74)

F. ((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. ((Any)) However, any applicant adversely affected by the denial ((e)) or the terms and conditions of the granting of an application for a variance or renewal of ((the)) a variance by the Board, may obtain judicial review thereof

only under the provisions of (~~Chapter 43.21B RCW~~) Chapter 34.05 RCW, as now or hereafter amended.

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

AMENDATORY SECTION (Amending Board Adoption, 6/9/69)

G. (~~F.~~) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW (~~70.94.415 of the Washington Clean Air Act~~) 70.94.710 through 70.94.730 to any person or his (~~property. (RCW 70.94.181))~~ or her property.

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

NEW SECTION

H. An application for a variance, or for the renewal thereof, submitted to the Board pursuant to this Section shall be approved or disapproved by the Board within sixty-five days of receipt, unless the applicant and the Board agree to a continuance.

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

NEW SECTION

I. Per 40 CFR 52.2476(b), Variances, approved under this Article, shall not be included in orders or permits provided for in RCW 70.94.152 or RCW 70.94.161 until such time as the variance and has been accepted by the EPA as part of an approved SIP, in accordance with 40 CFR 51.104.

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

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

NEW SECTION

SECTION 3.02 FILING

A fee, as established in Section 10.08.D of this Regulation, shall be assessed to, and paid by, the applicant for requests pursuant to this Article. The applicant shall also be responsible to pay all costs associated with any legal notice(s) required pursuant to this Article.

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

ARTICLE IV

REGISTRATION

ADOPTED: June 9, 1969

REVISED: March 4, 2004

EFFECTIVE: ?

AMENDATORY SECTION (Amending Order Res. 00-04, filed 5/4/00)

SECTION 4.01 REGISTRATION REQUIRED

The Authority regulates the classes of (~~air contaminant~~) stationary sources, listed in Exhibit R, under the authority of RCW 70.94.151. An (~~air contaminant~~) stationary source, listed in Exhibit R, whether publicly or privately owned, shall register with the Authority, unless exempted under Section 4.03 of this Article.

AMENDATORY SECTION (Amending Order Res. 00-04, filed 5/4/00)

SECTION 4.02 GENERAL REQUIREMENTS FOR REGISTRATION

A. Registration Responsibility. The owner, operator, or a designated agent of an (~~air contaminant~~) stationary source, shall register said (~~Registration of an air contaminant~~) stationary source, except those stationary sources exempted under Section 4.03 of this Article (~~, shall be made by the owner or operator of the source, or an appointed agent~~), (~~en~~) using forms furnished by the Authority. The owner (~~of the source~~) and operator of the stationary source are responsible for registration and for submitting accurate information.

B. Registration Information. The owner, operator, or designated agent shall register (~~Registration shall be required for~~) each emissions unit, including quantifiable fugitive air emissions, located at the stationary source. The owner, operator, or designated agent shall provide (~~make reports~~) information to the Authority, (~~containing information~~) as may be required by the Authority, concerning location, size, and height of air contaminant outlets, processes employed, nature of the air contaminant emission, and such other information, as is relevant to air pollution (~~and available or reasonably capable of being assembled~~). The owner, operator, or designated agent shall update (~~R~~) registration information (~~shall be updated~~) annually, (~~by the owner or operator on~~) using forms provided by the Authority.

C. Signature. (~~Each registration shall be signed by~~) The owner, (~~or~~) operator, or the designated agent for such owner or operator shall sign each registration form verifying that the information on the form is to his or her knowledge, complete and accurate.

D. (~~New Sources.~~) The owner or operator of an air contaminant source shall file a Notice of Construction and Application for Approval, in accordance with Article V of this

PERMANENT

Regulation, prior to establishing any new or modified air contaminant source. An approved Notice of Construction suffices to meet the initial requirement to register the air contaminant source. Registration information shall be updated annually thereafter.)

D. Reporting requirements for transfer or change of ownership of registered stationary sources. ((Transfer of Ownership.))

1. The new owner or operator, that assumes ownership and/or operational control of a registered stationary source, shall report any change of ownership or change of operator to the Authority, ((on forms provided by the Authority,)) within ninety (90) days of completing transfer of ownership and/or assuming operational control ((any such change)). The new owner or operator shall report the change on "Change of Ownership Forms" provided by the Authority. The report shall contain the following information:

- a. Legal name of the company prior to transfer;
- b. Site address;
- c. Previous owner's name;
- d. New legal name of company (if different)
- e. New owner's name;
- f. New owner's mailing address;
- g. New owner's phone number;
- h. Effective date of the transfer;
- i. Description of the affected emission units; and
- j. New owner's or responsible agent's signature.

2. Any liability for fee payment, including payment of delinquent fees and other penalties shall survive any transfer of ownership of a stationary source.

E. Reporting requirements for permanent shut-down of registered stationary sources. ((Source Closure.))

1. The owner or operator shall file a "Source Closure Notification Form" ((A report of closure shall be filed by the owner or operator)) with the Authority within ninety (90) days after the owner or operator determines that operations, producing air contaminant emissions, have permanently ceased. The report shall contain the following information:

- a. Legal name of the company prior to closure or shut-down;
- b. Stationary source address;
- c. Effective date of the stationary source closure or emissions unit shutdown;
- d. Description of the affected emission units; and
- e. Owner's or responsible agent's signature.

((In the event the owner or operator of a source discontinues operations, but continues payment of the annual registration fee to the Authority, the registration and the status of the source with the Authority are maintained as if the source were still in operation. In such a case, a report of closure is not required.))

((Prior to re-opening a closed source, or establishing a new source at a site for which the Authority has received a closure report, the proponent shall contact the Authority for a determination as to whether Notice of Construction and Application for Approval must be filed with, and approved by the Control Officer, per the requirements of SCAPCA Regulation I, Article V))

2. In the event of a permanent closure, process and pollution control equipment may remain in place and on site, but shall be configured such that the equipment or processes are incapable of generating emissions to the atmosphere (e.g. disconnection of power to equipment, mechanical positioning that inhibits processing; placing of padlocks on equipment to prevent operation).

F. ~~(G.)~~ New Sources.

1. The owner or operator of an stationary source shall file a Notice of Construction and Application for Approval, in accordance with Article V of this Regulation, prior to establishing any new or modified stationary source. An approved Notice of Construction and Application for Approval suffices to meet the initial requirement to register the stationary source. Registration information shall be updated annually thereafter.

2. Prior to re-opening a closed stationary source, or establishing a new source at a site for which the Authority has received a "Source Closure Notification Form", the proponent shall contact the Authority for a determination as to whether a Notice of Construction and Application for Approval must be filed with, and approved by, the Control Officer, per the requirements of Article V of this Regulation, prior to operation.

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

AMENDATORY SECTION (Amending Order Res. 00-04, filed 5/4/00)

SECTION 4.03 REGISTRATION EXEMPTIONS

A. Operating Permit Sources. Stationary ((S))sources subject to Chapter 173-401 WAC (air operating permit sources) are exempt from the registration requirements of this Article.

B. Grain Handling Facilities that handle less than or equal to 10 million bushels of grain annually. If registration has been made and a registration fee has been paid for a stationary source that is properly classified as a grain warehouse or grain elevator under Standard Industrial Classification (SIC) code 5153/NAICS 422510, 1972, as amended by the 1977 Supplement, and that is licensed by the Department of Agriculture under Chapter 22.09 RCW or by the federal government for purposes similar to those of licensure under Chapter 22.09 RCW, and that handles less than or equal to 10 million bushels of grain annually, registration or a registration fee shall not be required again unless the licensed capacity of the stationary source increases to greater than 10 million bushels of grain annually. The stationary source is subject to all other applicable requirements of this Regulation.

If the licensed capacity increases to greater than 10 million bushels of grain annually, registration shall be made, and a registration fee paid, prior to the date that the stationary source receives grain from the first harvest season that occurs after the increase in its licensed capacity. In addition, if required under Article V of this Regulation, a Notice of Construction and Application for Approval ((application)) shall be filed with and approved by the Authority prior to increas-

ing the licensed capacity of the stationary source to greater than 10 million bushels of grain annually.

~~((C. Agricultural Operations.—Agricultural operations as defined in RCW 70.94.640 (5)(a) are exempt from the registration requirements of this Article.))~~

~~C. ((D-)) Dwellings of Four Families or Less. Fuel burning equipment that serves dwellings of four or less families is exempt from the registration requirements of this Article.~~

~~((E. Source Specific Facilities.—Any person may submit a written request to the Control Officer for an exemption from the registration requirements of this Article, providing justification for such request.~~

~~1. At a minimum, the request shall provide an inventory of emissions, emission points, and location, sufficient for the Authority to determine how the source impacts air quality and the public.~~

~~2. Within 30 calendar days of receipt of an exemption request, the Authority may require additional information it deems necessary to determine if an exemption is appropriate.~~

~~3. Within 15 calendar days of receiving of the additional information, the Control Officer shall make a determination as to whether an exemption will be granted. Consideration shall be given to:~~

~~a. Potential impacts from the source on ambient air quality standards;~~

~~b. Potential nuisance from odors and particulate matter emissions;~~

~~c. Public exposure to toxic air pollutants; as defined in WAC 173-400-030;~~

~~d. The source's ability to meet applicable emission standards;~~

~~e. Potential damage to business or property; and~~

~~f. Importance of periodic verification that emission units, including any associated air pollution control equipment, are being properly maintained and operated.~~

~~4. Any source exempted from registration under this subsection shall maintain sufficient documentation, as may be required in the Control Officer's determination, to verify that the source is entitled to continued exemption under this section.~~

~~5. The Authority, or an authorized representative, may periodically verify, through inspection, survey, records request, or other appropriate means, that the source is meeting applicable regulations and the conditions of the exemption approval letter, if the exemption is granted.))~~

~~((F. Source Category De Minimis Level Exemptions.—The Control Officer may establish de minimis levels, based on the criteria presented in Section 4.03.D, or other relevant criteria, below which registration of a source category, as defined in Exhibit R, is not required. Any source exempted from registration under this subsection shall maintain sufficient documentation, as required by the Authority, to verify that the source is entitled to continued exemption under this section.))~~

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

AMENDATORY SECTION (Amending Order Res. 00-04, filed 5/4/00)

EXHIBIT R - STATIONARY SOURCE AND STATIONARY SOURCE CATEGORIES SUBJECT TO REGISTRATION

NOTE: Emission rates in this Section are based on ((actual) uncontrolled PTE emissions, unless otherwise noted.

1. Acid production plants, including all acids listed in Chapter 173-460 WAC.

2. Abrasive blasting operations, except portable blasting operations operating at a construction site, or at a site for less than 30 ((60)) days in any running 12-month period and operations that are inside a building and any associated air pollution control equipment that exhausts inside of the building.

3. Agricultural chemicals, manufacturing, mixing, packaging and/or other related air contaminant emitting operations (fertilizer concentrates, pesticides, etc.).

4. Agricultural drying and dehydrating operations.

5. Alumina processing operations.

6. Ammonium sulfate manufacturing plants.

7. ((Any category of stationary sources subject to a federal standard of performance (NSPS) under 40 CFR Part 60, other than Subpart S (Primary Aluminum Reduction Plants), BB (Kraft Pulp Mills) or AAA (New Residential Wood Heaters-)) Any stationary source category that qualifies as construction, reconstruction or modification of an affected facility, within the meaning of 40 CFR Part 60 - New Source Performance Standards (NSPS), effective the date listed in Article II, Section 2.13 of this Regulation; except Part AAA, (New Residential Wood Heaters). Ecology is responsible for regulation of projects subject to BB (Kraft Pulp Mills) and Subpart S (Primary Aluminum Reduction Plants);

8.a. ((Any source category subject to a National Emission Standard for Hazardous Air Pollutants (NESHAP) under 40 CFR Parts 61 and 63, other than Subpart M (asbestos on roadways, asbestos demolition or renovation activities, or asbestos spraying)). Any stationary source that qualifies as a new or modified stationary source within the meaning of 40 CFR 61.02 - National Emission Standards for Hazardous Air Pollutants (NESHAP), (effective the date listed in Article II, Section 2.13 of this Regulation); except for asbestos on roadways, asbestos demolition or renovation activities subject to 40 CFR 61.145 and;

b. Any stationary source that qualifies as a new stationary source within the meaning of 40 CFR 63.2 - National Emission Standards for Hazardous Air Pollutants for Source Categories (commonly referred to as MACT Standards), effective the date listed in Article II, Section 2.13 of this Regulation;

c. Any stationary source that qualifies as a new major stationary source, or a major modification;

d. Any modification to a stationary source that requires an increase either in a facility-wide emission limit or in a unit specific emission limit.

9. A stationary source listed in 9.e., below that:

a. emits any single criteria pollutant, or its precursors, as defined in 40 CFR § 51.852, exceeding emission rates of 0.5 tons per year, or in the case of lead, emissions rates greater than or equal to .005 tons per year, or

b. emits toxic air pollutants, as defined in Article I, Section 1.04 of this Regulation ((WAC 173-460-020(20))), with emission rates exceeding the small quantity emission rates established in WAC 173-460-080 ((~~2~~)(e)), or

c. emits combined air contaminants (criteria, VOCs, or TAPs) in excess of 1.0 ton per year, or

d. emits combined toxic air pollutant and volatile organic compound emissions greater than ((~~t~~)) 0.5 tons per year.

e. The above criteria in 9.a. through 9.d. applies to the following stationary source categories:

1) Bakeries

2) Bed lining or undercoating production or application operations,

3) Degreasers/solvent cleaners, not subject to 40 CFR Part 63, Subpart T (Halogenated Solvent Cleaners); including, but not limited to, vapor, cold, open top and conveyerized cleaner,

4) Evaporators,

5) Graphic art systems including, but not limited to, lithographic and screen printing operations,

6) Organic vapor collection systems within commercial or industrial facilities,

7) Soil and groundwater remediation operations,

8) Sterilizing ((~~equipment~~)) operations, including, but not limited to EtO and hydrogen peroxide, and other sterilizing operations,

9) Utilities, combination electric and gas, and other utility services (SIC 493/NAICS 221111 through 221210, not in order given),

10) Wood furniture stripping and treatment operations (commercial only), and

11) Any stationary source or stationary source category not otherwise identified ((~~listed~~)) in this exhibit.

10. Any stationary source with significant emissions as defined in ((SCAPCA Regulation 1,)) Article I ((~~X~~)), Section 1 ((~~0~~)).04 ((~~1~~)) of this Regulation.

11. Any stationary source required to obtain an approved Notice of Construction and Application for Approval under Article V of this Regulation.

12. Any stationary source (including stationary sources that generate fugitive emissions ((~~sources~~))) for which the Control Officer determines that registration is necessary in order to reduce the potential impact from the stationary source's air emissions on: the health, safety, and/or welfare of the public, or unreasonable interference with any other property owner's use and enjoyment of his property, or damage to other property owner's property or business.

13. Any stationary source where the owner or operator has elected to avoid one or more requirements of the operating permit program established in Chapter 173-401 WAC, by limiting its potential-to-emit (synthetic minor) through an order issued by the Authority.

14. Any stationary source that is required to report periodically to demonstrate nonapplicability to requirements under Sections 111 or 112 of the Federal Clean Air Act.

15. Asphalt and asphalt products production operations (asphalt roofing and application equipment excluded).

16. Brick and clay products manufacturing operations (tiles, ceramics, etc). Noncommercial operations are exempt.

17. Bulk gasoline and aviation gas terminals, bulk gasoline and aviation gas plants, and gasoline and aviation gas loading terminals.

18. Cattle feedlots with operational facilities, which have an inventory of ((~~for~~)) one thousand or more cattle in operation between June 1 and October 1, where vegetation forage growth is not sustained over the majority of the lot during the normal growing season.

19. Chemical manufacturing operations.

20. Coffee roasting operations.

21. Composting operations, including commercial, industrial and municipal, except noncommercial agricultural and noncommercial residential composting activities.

22. Concrete production operations and ready mix plants.

23. Dry cleaning operations, using solvents that emit toxic air pollutants or volatile organic compounds.

24. Materials handling and transfer facilities that generate fine particulate and that exhaust more than 1,000 acfm to the ambient air, which may include pneumatic conveying, cyclones, baghouses, and industrial housekeeping vacuuming systems that exhaust to the atmosphere.

25. Flexible polyurethane foam, polyester resin, and styrene production operations.

26. Flexible vinyl and urethane coating operations.

27. Fuel burning equipment, including but not limited to boilers, building and process heating units (external combustion) with per unit heat inputs greater than or equal to:

a. 500,000 Btu/hr using coal or other solid fuels with \leq 0.5% sulfur;

b. 500,000 Btu/hr using used/waste oil, per the requirements of RCW 70.94.610;

c. 1,000,000 Btu/hr using kerosene, #1, #2 fuel oil, or other liquid fuel, except used/waste oil; ((~~and~~))

d. 4,000,000 Btu/hr using gaseous fuels, such as, natural gas, propane, methane, LPG, or butane, including but not limited to, boilers, dryers, heat treat ovens and deep fat fryers; and ((~~:~~))

e. 400,000 Btu/hr, wood, wood waste, or paper;

28. Gasoline dispensing facilities, subject to Chapter 173-491 WAC, and aviation gas dispensing facilities with total tank capacities greater than 10,000 gallons.

29. Grain handling; seed, pea and lentil processing facilities. Registration shall be in accordance with Section 4.03.B.

30. Hay cubing operations and pelletizers, established at a dedicated collection and processing site.

31. Incinerators; as defined in Section 1.04 of this Regulation, including human and pet crematories and other solid, liquid, and gaseous waste incinerators.

32. Insulation manufacturing operations.

33. Metal casting facilities and foundries, ferrous.

34. Metal casting facilities and foundries, nonferrous.

35. Metal plating and anodizing operations.

36. Metallic and nonmetallic mineral processing, including, but not limited to, rock crushing, sand and gravel mixing operations.

37. Metallurgical processing operations.

38. Mills; lumber, plywood, shake, shingle, woodchip, veneer operations, dry kilns, pulpwood insulating board,

grass/stubble pressboard, pelletizing, or any combination thereof.

39. Mills; grain, seed, feed and flour production and related operations

40. Mills; wood products manufacturing operations (including, but not limited to, cabinet works, casket works, furniture and wood by-products).

41. Mineralogical processing operations.

42. Natural gas transmission and distribution (SIC 4923/NAICS 486210 and 221210, respectively).

43. Ovens/furnaces, kilns and curing, burnout, (including, but not limited to, ovens/furnaces that heat clean automotive parts, paint hooks, electric motors, etc.) except those that would otherwise be exempt under item 27.

44. Paper manufacturing operations, except Kraft and sulfite pulp mills.

45. Petroleum refineries.

46. Pharmaceuticals production operations.

47. Plastics and fiberglass fabrication, including gelcoat, polyester resin, or vinyl ester coating operations using more than 55 gallons per year of all materials containing volatile organic compounds or toxic air pollutants.

48. Refuse systems (SIC 4953/NAICS 562213, 562212, 562211, & 562219, respectively), including municipal waste combustors; landfills with gas collection systems and/or flares; hazardous waste treatment, storage, and disposal facilities; and wastewater treatment plants other than private and publicly owned treatment works (POTWs).

49. Rendering operations.

50. Sewerage systems, private and publicly owned treatment works (POTWs) with a rated capacity of more than 1 million gallons per day (SIC 4952/NAICS 221320).

51. Semiconductor manufacturing operations

52. Internal combustion engines used for standby, back-up operations only, and rated at or above five hundred brake horsepower.

53. Stationary internal combustion engines, other than engines used for standby or back-up operations ((~~emergency generator sets~~)), that are rated at one hundred brake horsepower or more, ((including engines)) that are integral to powering a stationary source or stationary source category ((registered under this exhibit)), including but not limited to, rock crushing, stump and woodwaste grinding, and hay cubing operations.

54. Stump and woodwaste grinding established at a dedicated collection and processing site.

55. Storage tanks for organic liquids, within commercial or industrial facilities, with capacities greater than 20,000 gallons.

56. Surface coating, adhesive, and ink manufacturing operations.

57. Surface coating operations, including; automotive, metal, cans, pressure sensitive tape, labels, coils, wood, plastic, rubber, glass, paper, and other substrates.

58. Synthetic fiber production operations.

59. Synthetic organic chemical manufacturing operations.

60. Tire recapping operations.

61. Wholesale meat/fish/poultry slaughter and packing plants.

62. Startup of a new air contaminant source at a site where:

a. a previous air contaminant source was located; and

b. the nature of the business or pollutants of the new air contaminant source is different from the previous air contaminant source.

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

ARTICLE V

AMENDATORY SECTION [TITLE] (Amending Board Adoption, 6/9/69)

NEW, MODIFIED, AND TEMPORARY STATIONARY SOURCES AND REPLACEMENT OR ALTERATION OF EMISSIONS CONTROL EQUIPMENT

ADOPTED: June 9, 1969

REVISED: March 4, 2004

EFFECTIVE: ?

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

AMENDATORY SECTION (Amending Order Res. 00-04, filed 5/4/00)

SECTION 5.01 DEFINITIONS (RESERVED)

((In addition to the definitions provided in Article I of this Regulation and unless a different meaning is clearly required by context, words and phrases used in this Article shall have the following meaning:))

~~((A. Stationary Air Contaminant Source means any building, structure, facility, or installation, including any emissions unit as defined in Section 1.04 of this Regulation, that emits or may emit any air contaminant:))~~

~~((B. Modification means any physical change, or change in the method of operation of, a stationary air contaminant source that increases the amount of any air contaminant emitted by such a stationary air contaminant source or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definition of modification in 42 USC 7411, and with the rules implementing that section:))~~

~~((C. New Stationary Air Contaminant Source means the construction or installation of a stationary air contaminant source and any other project that constitutes a new source under the Federal Clean Air Act. Replacement of existing emission unit(s) with new or used emission unit(s) qualifies as a new stationary air contaminant source, except as provided by the Control Officer in a Notice of Construction Approval:))~~

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

PERMANENT

AMENDATORY SECTION (Amending Order Res. 00-04, filed 5/4/00)**SECTION 5.02 NOTICE OF CONSTRUCTION (NOC) - WHEN REQUIRED**

~~((A. No person shall establish a new stationary air contaminant source or modify an existing stationary air contaminant source, including but not limited, to the sources listed in Exhibit R of Article IV of this Regulation, except as provided for in 5.02.G and 5.02.H of this section, unless a "Notice of Construction and Application for Approval" has been filed by the owner, operator, or their agent, of the stationary air contaminant source (using Authority prepared and furnished application and information request forms) and approved by the Control Officer. 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 a result of the modification.))~~

~~((A. No person shall establish a new stationary air contaminant source or modify an existing stationary air contaminant source, including but not limited, to the sources listed in Exhibit R of Article IV of this Regulation, except as provided for in 5.02.G and 5.02.H of this section, unless a "Notice of Construction and Application for Approval" has been filed by the owner, operator, or their agent, of the stationary air contaminant source (using Authority prepared and furnished application and information request forms) and approved by the Control Officer. 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 a result of the modification.))~~

A. A Notice of Construction application must be filed by the owner or operator and an order of approval issued by the permitting agency prior to the establishment of any new source or source categories. For purposes of this section "establishment" shall mean to "begin actual construction", as that term is defined in Article I, Section 1.04, and "new source" shall include any modification to an existing stationary source or source category, as defined in Article I, Section 1.04. Stationary sources or source categories subject to this Section include, but are not limited to, the following:

1. Stationary sources or source categories listed in Exhibit "R" of Article IV of this Regulation, except for those that are below emission thresholds listed therein; or

2. Any modification to an existing stationary source or source category which results in an increase in actual emissions, except for stationary sources or source categories with actual emission increases below emission thresholds listed in Exhibit "R" of Article IV of this Regulation; or

3. Regardless of any other subsection of this section, a notice of construction application must be filed and an order of approval issued by the Authority prior to establishment of any of the stationary sources listed in Items 7 and 8 of Article IV, Exhibit "R"; or

4.a. Establishment of a new major stationary source or source category;

b. Major modifications to an existing stationary source or source category;

c. Establishment of a new major temporary stationary source or source category;

d. Major modification of a temporary stationary source or source category that is located at an existing stationary source or source category; or

5. Any modifications that require an increase either in a facility-wide emission limitation or a unit specific emission limit; or

6. Replacement of existing emissions unit(s) with new or used emissions unit(s); or

7. Restart of a stationary source or source category after "closure or shutdown", as defined in Article I, Section 1.04;

8. Relocation of an existing stationary source or source category, except as provided for in Section 5.02.H and as specified in Section 5.02.I; or

9. Location for the first time of a portable, (or temporary, if applicable) stationary source or source category operates in Spokane County.

10. Determination by the Authority that a Notice of Construction application is necessary in order to reduce the potential impact from any stationary source or source category's air emissions on: the health, safety, and/or welfare of the public, or unreasonable interference with any other property owner's use and enjoyment of his property, or damage to other property owner's property or business.

B. Stationary sources or source categories not subject to Section 5.02.A ((this requirement)) include those stationary sources or source categories listed in Sections 5.02.H, 5.02.I, 5.02.M and 5.02.N.1 of this Article.

C. The owner, operator, or their agent shall use Authority prepared and furnished application and information request forms when applying for a Notice of Construction and Application for Approval.

D. New source review of a modification shall be limited to the emissions unit or units proposed to be added to an existing or modified stationary source or source category and the air contaminants whose actual emissions would increase as a result of the modification. NOTE: Modification, as defined in Article I, Section 1.04 of this Regulation, does not have the same meaning as a Major Modification, defined in WAC 173-400-112 and WAC 173-400-113.

E. ((B-)) New ((and modified)) stationary ((air contaminant)) sources' or source categories' emission calculations shall be based on a stationary ((air contaminant)) source or source categories' "potential-to-emit", as defined in Article I, Section 1.04 of this Regulation ((Chapter 173-400-030 WAC)). Modified stationary source or source category emission calculations shall be based on the increase in "actual emissions", as defined in Article I Section 1.04 of this Regulation.

~~((C. No person shall replace or substantially alter the emissions control equipment installed on an existing stationary air contaminant source, except as provided for in 5.02.F and 5.02.G of this Section, unless a Notice of Construction and Application for Approval has been filed by the owner or operator of the stationary air contaminant source using Authority prepared and furnished application and information request forms and approved by the Control Officer.))~~

F. The Authority implements and enforces the requirements of WAC 173-400-114 for replacement or substantial alteration of emission control technology at an existing stationary source.

G. ~~((D:))~~ A separate *Notice of Construction and Application for Approval* shall be filed for each new or modified stationary ~~((air contaminant))~~ source, source category, or emissions control system, unless identical units are to be constructed, installed, or established and operated in an identical manner at the same facility~~((-F))~~, except that the owner or operator has the option to file one application for an entire facility, with a detailed inventory of stationary ~~((contaminant))~~ sources or source categories and their emissions related to that facility.

~~((E. A Notice of Construction and Application for Approval shall not be required to commence an alteration, which would normally require a Notice of Construction and Application for Approval, pursuant to 5.02.G((D)) of this Section, in the event of a breakdown or if delaying the alteration may endanger life or have other serious consequences. The Authority shall be notified in writing of the alteration no later than the first working day after the alteration is commenced and a Notice of Construction and Application for Approval shall be filed within 14 days after the day that the alteration is commenced. For purposes of compliance with Section 5.02, the Control Officer shall determine whether an alteration, commenced before issuance of an order of approval, meets the requirements of this subsection.))~~

H. ~~((F:))~~ A Notice of Construction and Application for Approval is not required for c((G))onstruction, installation, establishment, modification, or alteration of stationary ~~((air contaminant))~~ sources or source categories, comprised of equipment utilized exclusively in connection with any structure, which is designed for, and used exclusively as, a residence with not more than four dwelling units~~((,- shall not require a Notice of Construction and Application for Approval))~~.

I. ~~((G:))~~ A Notice of Construction and Application for Approval is required for ~~((Owners or operators of temporary))~~ portable, (or temporary, if applicable) stationary ~~((air contaminant))~~ sources or source categories, operating in accordance with Section 5.08 - ~~((Temporary Stationary Air Contaminant Sources))~~ the first time that it operates in Spokane County. Thereafter, each time that the portable or temporary stationary source or source category relocates and operates at a new site in Spokane County, it must apply for and obtain an approved Notice of Intent to Install and Operate a Temporary Stationary Source pursuant to Section 5.08.~~((,- shall not be required to apply for a Notice of Construction and Application for Approval.))~~

J. ~~((H:))~~ A person seeking approval to construct~~((,- install,))~~ or modify ~~((a stationary air contaminant source))~~ an air operating permit source ~~((at a Chapter 173-401 WAC source, as defined in WAC 173-401-200(6)))~~, may elect to integrate review of the air operating permit application or amendment, required under RCW 70.94.161, and the Notice of Construction and Application for Approval required by this Article. A Notice of Construction and Application for Approval designated for integrated review shall be processed in accordance with the provisions ~~((operating permit program procedures and deadlines))~~ in Chapter 173-401 WAC.

K. A Notice of Construction and Application for Approval for a major modification in a nonattainment area, or

for a major stationary source in a nonattainment area, is subject to the public notice requirements of Section 5.05.

L. An applicant filing a Notice of Construction and Application for Approval for a project described in WAC 173-400-117(2) (Special protection requirements for Class I areas) must send a copy of the application to the responsible federal land manager.

M. De minimis emission levels (based on Potential-To-Emit), below which a new source or stationary source category, is not subject to a Notice of Construction and Application for Approval, are listed in Exhibit "R" of Article IV of this Regulation. De minimis emission levels (based on actual emissions increase), below which a modification of an existing stationary source or source category, is not subject to a Notice of Construction and Application for Approval, are listed in Exhibit "R" of Article IV of this Regulation. The owner or operator shall maintain sufficient documentation, as required by the Authority, to verify that the new or existing stationary source or source category is entitled to continued exemption under this section.

N. Transfer of Ownership

1. If an existing stationary source or stationary source category, with a valid Order of Approval, is transferred to new ownership per Article IV, Section 4.02.D and the stationary source category or stationary source category is unchanged by the transfer, then the existing Order of Approval is transferable to the new ownership, as written.

2. An existing Order of Approval is not transferable to a stationary source or stationary source category that is installed or established at a site where a stationary source category or stationary source category was previously located and the business nature of the new source is different from the previous stationary source.

3. In either of the above cases, if the stationary source or stationary source category did not have a valid Order of Approval under the prior ownership, then the owner or operator of the new source or stationary source category shall apply for, and receive approval of, a Notice of Construction prior to commencing operation.

O. Except where Ecology is the permitting agency pursuant to WAC 173-400-141 (PSD) or Ecology's Industrial Sector has retained specific air pollution stationary sources or source categories exclusively under their jurisdiction, pursuant to RCW 70.94.422, the Authority permits, implements and enforces WAC 173-400-112 (Requirements for new sources in nonattainment areas) and WAC 173-400-113 (Requirements for new sources in attainment areas), in Spokane County.

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

AMENDATORY SECTION (Amending Order Res. 00-04, filed 5/4/00)

SECTION 5.03 NOC AND NOI FEES

A. The person filing ~~((the))~~ a Notice of Construction ~~((and Application for Approval))~~ or Notice of Intent to Install and Operate a Temporary Stationary Source application

shall pay a filing fee and plan review and approval fee according to Article X, Section 10.7 ((Fees and Charges,)) of this Regulation.

B. Fees shall be paid without regard to whether a Notice of Construction (~~((Notice of Construction and Application for Approval))~~) or Notice of Intent to Install and Operate a Temporary Stationary Source application is approved or denied, or a threshold determination is made.

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

AMENDATORY SECTION (Amending Order Res. 02-01, filed 1/3/02)

SECTION 5.04 INFORMATION REQUIRED

A. Each Notice of Construction and Application for Approval or Notice of Intent to Install and Operate a Temporary Stationary Source shall be accompanied by appropriate documentation that provides a detailed description of the stationary (~~((air contaminant))~~) source. Such information (~~((may))~~) shall include, but is not limited to:

1. The new or modified stationary (~~((air contaminant))~~) source, equipment and emissions control equipment subject to the order of approval or permission to operate ((Notice of Construction));

2. Any equipment connected to, serving, or served by the new or modified stationary (~~((air contaminant))~~) source, equipment, and emissions control equipment subject to the order of approval or permission to operate ((Notice of Construction));

3. A plot plan, including the distance to, length, width, and height of; buildings within 200 feet, or other distance specified by the (~~((Control Officer))~~) Authority, from the place where the new or modified stationary (~~((air contaminant))~~) source is or will be installed;

4. The proposed means for the prevention or control of the emissions of air contaminants;

5. Estimated emissions resulting from the proposal and the basis for the estimates, or sufficient information for the Authority to (~~((calculate))~~) determine the expected emissions;

6. Any additional information required by the (~~((Control Officer))~~) Authority to show that the proposed new or modified stationary (~~((air contaminant))~~) source will meet the applicable air quality requirements of Chapter 70.94 RCW (~~((and))~~) the rules and regulations adopted thereunder, and the Authority's regulation(s);

7. Any additional information required under WAC 173-400-112 or WAC 173-400-113;

8. ~~((7-))~~ a. The owner or operator shall provide (~~((proof))~~) documentation that the requirements of Article XI of this Regulation (Spokane Environmental Ordinance) have been met.

b. If SCAPCA is the lead agency for review of an Environmental Checklist (SEPA) or Environmental Impact Statement (EIS) related to the Notice of Construction or Notice of Intent to Install and Operate a Temporary Stationary Source application being submitted, then the person filing the SEPA shall pay a SEPA review fee according to (~~((Regulation I,))~~) Article X, Section 10.07.E. of this Regulation. This fee shall

be paid without regard to whether a Determination of Non-significance, Mitigated Determination of Nonsignificance or Determination of Significance is issued. (~~((the Notice of Construction and Application for Approval is approved or denied.))~~)

B. Each Notice of Construction ((and Application for Approval)) or Notice of Intent to Install and Operate a Temporary Stationary Source application shall be signed by the owner, (~~((or))~~) operator, or their agent of the new or modified stationary (~~((air contaminant))~~) source (~~((, or their agent)).~~)

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

AMENDATORY SECTION (Amending Order Res. 00-04, filed 5/4/00)

Section 5.05 PUBLIC ((NOTICE REQUIREMENTS)) INVOLVEMENT

A. Public Notice.

1. Notice shall be published on the Authority's Internet website announcing the receipt of Notice of Construction applications (including the first time that a portable stationary source (or temporary stationary source, if applicable) operates in Spokane County) and other proposed actions. Notice shall be published for a minimum of fifteen (15) consecutive days. Publication of a notice on the Authority's website at the time of application receipt is not required for any application or proposed action that automatically requires a public comment period pursuant to Subsection B. of this Section. In the event that publication on the Authority's Internet website does not occur for the prescribed time period, notice will be published for a minimum of one (1) day in a newspaper of general circulation in the area of the proposed action. Each notice shall, at a minimum, include the following information:

a. The name and address of the owner or operator and the affected facility;

b. A brief description of the proposed action;

c. Authority contact information;

d. A statement that a public comment period will be provided upon request pursuant to Section 5.05.C of this Article; and

e. The date by which a request for a public comment period is due.

2. Requests for a public comment period shall be submitted to the Authority in writing via letter, fax, or electronic mail. A public comment period shall be provided pursuant to Subsection C. of this Section for any application or proposed action that receives such a request. Any application or proposed action for which a public comment period is not requested may be processed without further public involvement.

B. Mandatory public comment period.

1. A public comment period shall be provided pursuant to Subsection C. of this Section before approving or denying any of the following:

a. Any Notice of Construction application (this includes the first time that a portable stationary source (or temporary

stationary source, if applicable), operates in Spokane County) for a new or modified "stationary source" or emission unit that results in a "significant", as defined in Section 1.04 of this Regulation, net increase, in emissions (actual or potential-to-emit) of any air contaminant regulated by state or federal law;

b. Any use of a modified or substituted air quality model, other than a guideline model in Appendix W of 40 CFR Part 51, as amended, as part of review under Section 5.08 and 5.02 of this Article, WAC 173-400-112, WAC 173-400-113, WAC 173-400-117, or WAC 173-400-141;

c. Any order to determine RACT;

d. Any order in which public notice is required by state (WAC 173-400-171) or federal (40 CFR 51.161), laws or regulations;

e. Any order for a proposed new or modified stationary ((air contaminant)) source that would cause an annual increase of ten (10) tons or more of any air contaminant or precursor, for which ambient air quality standards have been established, or of any toxic air pollutant, as defined in Article I, Section 1.04 of this Regulation;

f. Any order for which the applicant requests approval of a risk analysis pursuant to Chapter 173-460 WAC;

g. Any order to establish a compliance schedule or a variance. A variance shall be handled as provided in Article III of this Regulation;

h. Any order to demonstrate the creditable height of a stack which exceeds the GEP formula height and sixty-five meters, by means of a fluid model or a field study, for the purposes of establishing an emission limitation;

i. Any order to authorize a bubble, pursuant to RCW 70.94.155 and WAC 173-400-120;

j. Any order used to establish a creditable emission reduction, pursuant to WAC 173-400-131;

k. Any order issued under WAC 173-400-091 which establishes limitations on a "stationary source's" potential-to-emit;

l. Any extension of the deadline to begin actual construction of a "major stationary source" or "major modification" in a nonattainment area;

m. Any change in conditions of an existing Notice of Construction determination, except for Sections 5.10.E.1 and 5.10.E.5 of this Regulation;

n. Any Notice of Construction application (this includes the first time that a portable stationary source (or temporary stationary source, if applicable), operates in Spokane County) for which request for public comment opportunity is made pursuant to Subsection A. of this Section; or

o. Any Notice of Construction application or other proposed action for which the Authority determines there is a substantial public interest.

p. Any Notice of Construction application designated for integrated review that includes a PSD permit application, an application for a "major modification" in a nonattainment area, or an application for a "major stationary source" in a nonattainment area must also comply with the public notice requirements of WAC 173-400-171 and this Section of this Regulation.

C. Public comment period.

1. A public comment period shall be provided only after all information required by the Authority has been submitted and after applicable preliminary determinations, if any, have been made.

2. Availability for public inspection. The information submitted by the applicant, and any applicable preliminary determinations, including analyses of the effect(s) on air quality, shall be available for public inspection in at least one location near the proposed project. Exemptions from this requirement include information protected from disclosure under any applicable law, including, but not limited to, RCW 70.94.205 and Article II, Section 2.03 of this Regulation.

3. Publication of comment period notice. Notice shall be published in a newspaper of general circulation in the area of the proposed project for a minimum of one (1) day. For applications or actions subject to a public comment period pursuant to Subsections B.1.n. or B.1.o. of this Section, publication on the Authority's Internet homepage for a minimum of thirty (30) days may be substituted for newspaper publication. Notice for a public comment period shall include the following information:

4. The name and address of the owner or operator and the affected facility;

a. A brief description of the proposal;

b. The location of the documents made available for public inspection;

c. Identification of a thirty-day period for submitting written comment to the Authority;

d. A statement that a public hearing may be held if the Authority determines within a thirty-day period that significant public interest exists;

e. Any other information required under state or federal laws or regulations;

f. The length of the public comment period in the event of a public hearing; and

g. For projects subject to special protection requirements for federal Class I areas in WAC 173-400-117 (5)(c), the comment period notice shall explain the Authority's decision.

5. The cost of publishing any public notice required by this Section shall be paid by the owner or applicant.

6. EPA Notification. A copy of the comment period notice shall be sent to the EPA Region 10 Regional Administrator.

7. Consideration of public comment. The Authority shall make no final decision on any application or other action for which a public comment period has been provided until the public comment period has ended and any comments received have been considered.

8. Public hearings. Any person may request a public hearing within the thirty-day public comment period. Each request shall indicate the interest of the party filing it and why a hearing is warranted. The Authority may hold a public hearing if it determines significant public interest exists. The Authority will determine the location, date, and time of the public hearing. If a public hearing is held, the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.

D. Public involvement for integrated review with an operating permit. Any Notice of Construction application

designated for integrated review with an application to issue or modify an operating permit shall be processed in accordance with the operating permit program procedures and deadlines (Chapter 173-401 WAC).

E. Other requirements of law. Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, those procedures may be used in lieu of the provisions of this Section (e.g., SEPA). This Subsection does not apply to applications for a "major modification" or a "major stationary source."

F. Public information. All information is available for public inspection at the Authority, except information protected from disclosure under any applicable law, including, but not limited to, RCW 70.94.205 and Article II, Section 2.03 of this Regulation. Such information includes copies of Notice of Construction applications, orders of approval, regulatory orders, and modifications thereof.

~~A. ((The Control Officer shall publish, or cause to be published, a notice to the public of the opportunity to submit written comments, on a preliminary determination for an application, during a thirty (30) day period under any of the following conditions:~~

- ~~1. If required by state or federal laws or regulations; or~~
- ~~2. If the proposed new or modified stationary air contaminant source would cause an annual increase of ten (10) tons or more of any air contaminant or precursor, for which ambient air quality standards have been established, or toxic air pollutant, as defined in Article X, Section 10.1 of this Regulation; or~~
- ~~3. If the applicant requests approval of a risk analysis pursuant to Chapter 173-460 WAC; or,~~
- ~~4. If the Control Officer determines that such opportunity for comment is in the public interest.~~

~~B. The cost of publishing any public notice required by this Section shall be paid by the owner or applicant.~~

~~C. Such public notice shall be published in a newspaper of general circulation in the area of the proposal and shall contain the following information:~~

- ~~1. Name and address of the source, and the owner or operator of the source, if different.~~
- ~~2. Brief description of proposed construction.~~
- ~~3. The location at which a copy of the preliminary determination and a summary of information, considered in making such preliminary determination, are available to the public.~~

~~4. Announcement of a thirty day period for submitting written comment to the Authority, stating the ending date of the comment period.~~

~~5. Announcement that a public hearing may be held if the Control Officer determines within a thirty day period that significant public interest exists.~~

~~6. Any other information required under state or federal laws or regulations.~~

~~D. A copy of the public notice shall be sent to the U.S. Environmental Protection Agency Regional Administrator.)~~

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

AMENDATORY SECTION (Amending Order Res. 00-04, filed 5/4/00)

SECTION 5.06 APPLICATION COMPLETENESS DETERMINATION

A. Within thirty (30) days of receipt of a Notice of Construction and Application for Approval or PSD permit application (PSD permits are Ecology's jurisdiction), the Authority shall notify the applicant in writing that the application is complete or notify the applicant in writing of any additional information necessary, based on review of information already supplied, to complete the application.

1. For a project subject to PSD review under WAC 173-400-141 by Ecology, an NOC application is not deemed complete by the Authority until the application provides all information required to conduct the PSD review and a final determination on the PSD permit, by Ecology has been issued. The Authority shall ensure that its Notice of Construction review of the project is coordinated with Ecology's PSD review.

2. For a project subject to the Special protection requirements for federal Class I areas in WAC 173-400-117(2), a completeness determination includes a determination that the application includes all information required for review of that project under WAC 173-400-117(3).

B. The owner or operator shall supply sufficient information to enable the Authority to determine that the project will comply ((Determination of completeness shall be evaluated on the basis that the application contains all information required to determine that the proposal shall be in accord)) with Chapter 70.94 RCW((, the Federal Clean Air Act (42 USC 7401 et seq.)) ((and)) the rules and regulations adopted thereunder, and the Authority's regulation(s).

C. As a condition of completeness determination, the ((Control Officer)) Authority may require payment of applicable fees, or a portion thereof, pursuant to Article X of this Regulation.

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

AMENDATORY SECTION (Amending Order Res. 00-04, filed 5/4/00)

SECTION 5.07 ISSUANCE OF APPROVAL OR ORDER

A. For new or modified stationary ((air contaminant)) sources,

1. Within sixty (60) days of receipt of a complete Notice of Construction and Application for Approval ((application)), the ((Control Officer)) Authority shall either issue a final determination on the application or, for those proposals subject to public notice requirements, initiate public notice and comment procedures under Section 5.05. If state or federal regulations require public notice ((is required by state or federal regulations)), the public notice shall occur in a manner that complies with both Section 5.05 and those sections of the state or federal regulations that are applicable. The Authority shall issue a final determination ((A))as promptly as possible

after the close of the comment period(~~(, a final determination shall be issued by the Control Officer)~~).

2. The final determination may include:

a. An order of denial, if it is found that the proposal is not in accord with Chapter 70.94 RCW(~~(, the Federal Clean Air Act (42 USC 7401 et seq.);)~~) (~~and~~) the rules and regulations adopted thereunder, and the Authority's regulation(s); or

b. An order of approval which may provide reasonable conditions (~~(as are reasonably)~~) necessary to assure maintenance of compliance with Chapter 70.94 RCW(~~(, the Federal Clean Air Act (42 USC 7401 et seq.);)~~) (~~and~~) the rules and regulations adopted thereunder, and the Authority's regulation(s).

3. (~~(Prior to issuance, the)~~) Every final determination on a Notice of Construction and Application for Approval shall be reviewed, prior to issuance, and signed by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Authority.

4. If the new (~~(air contaminant)~~) source is a major stationary source (~~(as defined in Chapter 173-400 WAC)~~), or the change is a major modification, as defined in WAC 173-400-112, ((as defined in Chapter 173-400 WAC)) where the new source is located inside of a non-attainment area, the Authority shall:(-)

a. Submit any ((The)) Lowest Achievable Emission Rate (LAER) control technology determination, for any non-attainment criteria pollutant of concern and/or its precursor, that is included in a final order of approval ((determination will be submitted)) to the RACT/BACT/LAER Clearing-house maintained by the EPA ((United States Environmental Protection Agency-); and

b. Send a copy of the final order of approval, with the LAER control technology determination, to EPA.

5. The owner or operator of a stationary source shall not "commence" construction or "begin actual construction", as those terms are defined in Article I, Section 1.04 of this Regulation, until the Authority approves the Notice of Construction and Application for Approval. ((Construction shall not "commence", consistent with the WAC 173-400-030 definitions of "begin actual construction", and "commenced construction", until the Notice of Construction application is approved by the Control Officer.))

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

B. R((#))replacement or substantial alteration of emission control equipment

1. Any person proposing to replace or substantially alter the emission control technology installed on an existing "stationary source" or emission unit shall file an Notice of Construction application with the Authority. If the replacement or substantial alteration meets the definition of "new source" or "modification" then the "new source" emissions standards of Article V, Section 5.02 through 5.07.A., WACs 173-400-112 or 400-113 shall apply. If the replacement or substantial alteration does not meet the definition of "new source" or "modification", then the requirements in B.2. through B.9. of this Section shall apply.

2. For projects not otherwise reviewable under Article V, Sections 5.02 through 5.07.B.1; Subsections B.2. through B.9. of this Section shall apply.

3. Within thirty (30) days of receipt of a notice of construction application under this section the Authority shall either notify the applicant in writing that the application is complete or that additional information is necessary to complete the application.

4. (~~((1-))~~) Within thirty (30) days of receipt of a complete Notice of Construction application under this section the ((Control Officer)) Authority shall either issue an order of approval, an order of denial, or a proposed ((Reasonably Available Control Technology)) RACT determination for the proposed project, pursuant to ((Chapter)) WAC 173-400-114 ((WAC)).

5. (~~((2-))~~) The ((order of approval)) final determination may:

a. Require that the owner or operator employ RACT for the affected emissions unit, and

b. Prescribe reasonable operation and maintenance conditions for the control equipment, and

c. Prescribe other requirements as authorized by Chapter 70.94 RCW.

6. (~~((3-))~~) Prior to issuance, the ((order of approval)) Notice of Construction final determination shall be reviewed and signed by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Authority.

7. (~~((4-))~~) Replacement or substantial alteration shall not commence until the Authority approves the application ((is approved by the Control Officer)). However, any Notice of Construction and Application for Approval, filed under ((Subsection 5.02.D)) Section 5.08.B.2 through Section 5.08.B.9, shall be deemed to be approved without conditions, if the Authority takes no action within thirty days of receipt of a complete application ((Notice of Construction and Application for Approval)).

8. Replacement or substantial alteration of control technology does not include routine maintenance, repair or similar parts replacement.

9. Replacement or substantial alteration of control technology shall not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, shall not interfere with scheduled attainment of national ambient quality standards.

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

AMENDATORY SECTION (Amending Order Res. 02-01, filed 1/3/02)

SECTION 5.08 TEMPORARY AND PORTABLE STATIONARY ((AIR CONTAMINANT)) SOURCES

A. 1. Except as otherwise (~~(allowed))~~) provided in 5.08.G ((F)) of this Article, for portable stationary (~~(air contaminant))~~) sources which locate temporarily at specific sites in Spokane County, the owner or operator, or their agent shall obtain a Notice of Construction and Application for Approval the first

time that the portable stationary source operates in Spokane County. This Notice of Construction shall be subject to the same requirements of a new source.

2. Thereafter, each time that the portable stationary source relocates and operates at a new site in Spokane County, the owner or operator of said portable stationary source must apply for and obtain an approved Notice of Intent to Install and Operate a Temporary Stationary Source. ((shall be allowed to operate at the temporary location without filing a Notice of Construction and Application for Approval, provided))

3. ~~T((e))~~ he owner or operator, or their agent shall file((s a)) the Notice of Construction or Notice of Intent to Install and Operate a Temporary Stationary Source (NOI) at least ((fifteen (15))) ten (10) calendar days prior to starting the operation.((, (using))

4. The owner or operator shall apply for the NOC or NOI on Authority prepared and furnished application and information request forms((y)) and obtain((s)) an order of approval or permission to operate, respectively from the ((Control Officer)) Authority prior to operating at the site. Sufficient information, equivalent to the information required in Section 5.04.A of this Article, shall be supplied by the owner or operator, or their agent to enable the ((Control Officer)) Authority to determine that the operation will be in accordance with Chapter 70.94 RCW((, the Federal Clean Air Act (42 USC 7401 et seq.));) ((and)) the rules and regulations adopted thereunder, and the Authority's regulation(s).

5. ~~((a. The owner or operator shall also provide proof that the requirements of Article XI of this Regulation (Spokane Environmental Ordinance) have been met.~~

~~b. If SCAPCA is the lead agency for review of an Environmental Checklist (SEPA) or Environmental Impact Statement (EIS) related to the NOC or NOI being submitted, then the person filing the SEPA shall pay a review fee according to Regulation I, Article X. This fee shall be paid without regard to whether the Notice of Construction and Application for Approval is approved or denied.))~~

5. Except for nonroad engines, based on the source type and emission quantity, temporary stationary sources, not covered under Section 5.08.A.1, may be subject to new source review at the discretion of the Authority.

B. Permission to operate may be granted, subject to reasonable conditions ((as are reasonably)) necessary to assure compliance with Chapter 70.94 RCW((, the Federal Clean Air Act (42 USC 7401 et seq.));) ((and)) the rules and regulations adopted thereunder, and the Authority's regulation(s). If any conditions listed in Subsection 5.05.B((A)). are applicable to the proposal, a public comment period shall be held pursuant to Section 5.05.C.

Permission to operate may be granted for a limited time, but in no case ((longer than 180 consecutive days)) shall a temporary or portable stationary source remain at a location for more than twelve consecutive months, without first obtaining an approved Notice of Construction and Application for Approval.

~~((D. The person filing a Notice of Intent to Install and Operate a Temporary Source shall pay filing, plan review, and approval fees according to Article X, Fees and Charges,~~

~~of this Regulation. Fees shall be paid without regard to whether permission is granted or denied.))~~

~~((E. The Control Officer may revoke, or suspend permission to operate if the Control Officer determines that the stationary air contaminant source is not constructed, or operated as described in the Notice of Intent to Install and Operate a Temporary Source, including plan, specification, or other information submitted therewith.))~~

D. ~~((F.))~~ Permission to operate shall be invalid if:

1. Construction, installation, or operation does not begin within ((180)) 90 days of receipt of permission; or

~~((2. Construction, installation, or operation is discontinued for a period of 180 days or more; or))~~

~~((3. Construction, installation, or operation is not completed within a reasonable time, as determined by the Control Officer; or))~~

2. ~~((4.))~~ The operation is removed from the site ((for 30 consecutive days or longer)).

~~((G. Permission to operate, conditions of permission to operate, or denial of installation and operation of a temporary stationary air contaminant source may be appealed to the Pollution Control Hearings Board of Washington, as provided in Chapter 43.21B RCW.))~~

E. ~~((H.))~~ Installation or operation of a temporary or portable stationary ((air contaminant)) source shall not commence until the Authority approves the Notice of Construction or Notice of Intent to Install and Operate ((Establish)) a Temporary Stationary Source application, whichever applies ((is approved by the Control Officer)).

F. A temporary or portable stationary source, that is required to go through new source review, shall comply with the emission standards for a new source (including BACT or LAER, whichever is applicable under Sections 5.09.C & D) (except nonroad engines) and shall not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, shall not interfere with scheduled attainment of national ambient quality standards.

G. ~~((I.))~~ The following operations are exempt from ((Article V)) this Section.

1. Abrasive blasting units that operate at a site for less than 30 days in any 12-month period and as excepted in Exhibit R.2. A((H other a))brasive blasting units anticipated to operate more than 30 days in any 12-month period, but less than 1 year are subject to the requirements of this Section ((Article-)), except where the owner, operator, of an abrasive blasting unit, either establishes a permanent facility or operates an abrasive blasting unit at a site for more than 365 consecutive days, in which case, a Notice of Construction and Application for Approval must be approved by the Authority's, prior to establishment of said unit or facility.

2. Rock drilling operations.

3. Blasting operations.

4. Woodwaste chipping and grinding operations that operate at a site for less than 30 days in any 12-month period, except for operations that establish a permanent collection, storage and/or processing facility at a site or sites for purpose of future processing. All other woodwaste chipping and grinding operations are subject to the requirements of ((this Article)) new source review and the owner or operator must

obtain the Authority's approval of a Notice of Construction, prior to establishment of the stationary source.

5. Soil and groundwater remediation projects that ~~((the Control Officer determines))~~ have insignificant air pollution impacts, as defined in Exhibit "R" of Article IV of this Regulation.

6. All nonroad compression ignition engines.

H. Except for nonroad engines, a temporary or portable stationary source that is considered a major stationary source or major modification within the meaning of WAC 173-400-113, must also comply with the requirements in WAC 173-400-141.

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

AMENDATORY SECTION (Amending Order Res. 00-04, filed 5/4/00)

SECTION 5.09 OPERATING REQUIREMENTS

A. All equipment, machines, devices, and other contrivances, constituting parts of, or called for by plans, specifications or other information submitted pursuant to Section 5.02, 5.04, and 5.08 shall be maintained in good working order and operated at all times that air contaminant emissions may occur, unless otherwise specified by the ~~((Control Officer))~~ Authority.

B. All conditions of approval, established pursuant to Sections 5.07 and 5.08, shall be complied with.

C. All new and modified stationary ~~((air-contaminant))~~ sources shall employ Best Available Control Technology (BACT), ~~((as defined in Chapter 173-400 WAC,))~~ and if applicable, Toxic Best Available Control Technology (TBACT), ~~((as defined in Chapter 173-460 WAC, except that, if the))~~ A new ~~((source is a))~~ major stationary source or ~~((the proposed modification is a))~~ major modification, shall employ the lowest achievable emission rate (LAER) ~~((shall be achieved))~~ for the contaminants for which the area has been designated nonattainment and for which the proposed new source or modification is major.

D. In no event shall the application of RACT, BACT, ~~((or))~~ TBACT, or LAER permit a new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable ~~((F))~~ federal or ~~((Washington S))~~ state standard or regulation.

AMENDATORY SECTION (Amending Order Res. 00-04, filed 5/4/00)

SECTION 5.10 CHANGES TO AN ORDER OF APPROVAL OR PERMISSION TO OPERATE

A. The ~~((Control Officer))~~ Authority may revoke, revise, or suspend ~~((the))~~ an order of approval, ~~((or))~~ permission to operate a temporary stationary source, an order of approval for substantial replacement or alteration of emissions control equipment installed on an existing stationary source, or changes thereto, if the ~~((Control Officer))~~ Authority determines that the ~~((new or modified))~~ stationary ~~((air-contami-~~

~~nant))~~ source is not constructed, installed or operated as described in the Notice of Construction and Application for Approval, or Notice of Intent to Install and Operate a Temporary Stationary Source, or changes thereto, including the plans, specifications, or other information submitted therewith. Such proceedings shall follow the same process that apply to the initial issuance of the order of approval or permission to operate.

B. In addition to revocation, revision or suspension of an order of approval or permit to operate of a stationary source, the Authority may issue a Notice of Violation (NOV) in accordance with RCW 70.94.211.

~~((B. The Control Officer may revoke, revise or suspend the permission to operate a temporary source if the Control Officer determines that the source is not installed or operated as described in the Notice of Intent to Install and Operate a Temporary Source including the plans, specifications, or other information submitted therewith.))~~

C. The ~~((applicant))~~ owner or operator may request, at any time, a change in conditions of an order of approval or permission to operate a temporary stationary source and the ~~((Control Officer))~~ Authority may approve such a request provided the ~~((Control Officer))~~ Authority finds that:

1. The change in conditions will not cause the stationary ~~((air-contaminant))~~ source to exceed an emissions standard; ~~((and))~~

2. No national ambient air quality standard shall be violated ~~((will be exceeded))~~ or if in a nonattainment area, shall not interfere with scheduled attainment of national ambient quality standards as a result of the change; ~~((and))~~

3. The change will not adversely impact the ability of the ~~((Control Officer))~~ Authority to determine compliance with an emissions standard; ~~((or))~~

4. The revised order of approval or permission to operate will continue to require BACT, as defined at the time of the original order of approval or permission to operate, for each new source approved by the order of approval or permission to operate, except where the Federal Clean Air Act requires LAER; and

5. The revision meets the requirements of Article V of this Regulation, WAC 173-400-112, WAC 173-400-113 and WAC 173-400-141, as applicable.

D. A fee, as established in Section 10.07 of this Regulation, shall be assessed to, and paid by, the applicant for requests pursuant to Subsection 5.10.C.

E. "Order of approval" and "permission ~~((to))~~ to operate" revisions may be initiated by the ~~((Control Officer))~~ Authority, without fees charged to the owner or operator, as long as the stationary ~~((air-contaminant))~~ source continues to comply with all applicable requirements of Chapter 70.94 RCW ~~((and the Federal Clean Air Act (42 USC 7401 et seq.))~~ ~~((and))~~ the rules and regulations adopted thereunder, and the Authority's regulation(s), and the ~~((Control Officer))~~ Authority determines that the order of approval or permit to operate:

1. has typographical errors, or

2. has conditions listed therein that are ineffective or unreasonable, or

3. has conditions that no longer apply because the affected stationary ~~((air-contaminant))~~ source or associated

process or process materials have been significantly altered, or

4. has conditions that no longer apply due to revisions to ~~((F))~~ federal, ~~((S))~~ state, or ~~((L))~~ local laws or regulations, or

5. does not accurately show current ownership, name, address, phone number, or there are other minor administrative inaccuracies.

F. The ~~((Control Officer))~~ Authority may not modify, delete, or add conditions to an existing order of approval or permit to operate under Section 5.10.E, unless the owner or operator is notified in writing at least 30 days in advance of the effective date of the change. Modified, deleted or added conditions may be appealed in accordance with ~~((RCW))~~ Chapter 43.21B RCW ~~((310))~~.

G. Changes to conditions in an order of approval for a new source, for modifications to an existing stationary source, and replacement or substantial alteration of emission control equipment of an existing stationary source are subject to the public involvement provisions of Section 5.05 of this Regulation.

H. This Article does not prescribe the exact form that change of condition requests must take. However, if the request is filed on an order of approval, that application must be acted upon consistent with the timelines in Sections 5.06 and 5.07 or if a permit to operate, consistent with Section 5.08 of this Article.

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

AMENDATORY SECTION (Amending Order Res. 00-04, filed 5/4/00)

SECTION 5.11 NOTICE OF ~~((COMPLETION))~~ START-UP OF A STATIONARY SOURCE

The owner or operator of the new, ~~((or))~~ modified, or temporary stationary ~~((air-contaminant))~~ source, or replacement or substantial alteration of emission control equipment at an existing stationary source shall notify the Authority at least seven (7) days prior to the ~~((new or modified))~~ stationary ~~((air-contaminant))~~ source's expected start-up date, or a shorter time, if approved by the ~~((Control Officer))~~ Authority.

AMENDATORY SECTION (Amending Order Res. 00-04, filed 5/4/00)

SECTION 5.12 WORK DONE WITHOUT AN APPROVAL

A. Except as provided for in Subsection 5.02.H and 5.02.M, when:

1. A stationary source is constructed, installed, modified, or operated prior to receiving approval of a Notice of Construction application from the Authority; or

2. Emission control equipment is replaced, installed, or substantially altered on an existing stationary source prior to receiving approval of a Notice of Construction application from the Authority; or

3. A temporary or portable stationary source is installed or operated at a site prior to receiving approval of either a Notice of Construction or Notice of intent to Establish a Temporary Stationary Source application from the Authority, whichever is appropriate;

the Authority may assess a compliance investigation fee to the owner or operator, in addition to the fees required in Sections 5.03 and 5.08 of this Regulation as a part of the Notice of Construction or Notice of intent to Establish a Temporary Stationary Source review. The compliance investigation fee is established in Section 10.07 of this Regulation. Payment of the compliance investigation fee does not relieve any person from the requirement to comply with applicable regulations, nor from any penalties for failure to comply.

~~((Where construction, installation, modification, or operation of an stationary air contaminant source is commenced or performed prior to receiving an order of approval or permission to operate from the Control Officer, except as provided for in Subsection 5.02.F and 5.02.G, the Control Officer may conduct, or cause to be conducted, a compliance investigation as part of the Notice of Construction or Notice of Intent to Establish a Temporary Source review. In such case, a compliance investigation fee, as established in Section 10.07 of this Regulation, shall be assessed to, and paid by, the owner or operator, in addition to the fees required in Sections 5.03 and 5.08 of this Regulation. Payment of the compliance investigation fee does not relieve any person from the requirement to comply with applicable regulations, nor from any penalties for failure to comply.))~~

AMENDATORY SECTION (Amending Order Res. 00-04, filed 5/4/00)

SECTION 5.13 ORDER OF APPROVAL CONSTRUCTION TIME LIMITS

A. An order of approval, issued pursuant to Section 5.07 or 5.08.A.1 shall become invalid if:

1. Construction is not commenced within eighteen months after the receipt of the approval, or

2. Construction is discontinued for a period of eighteen months or more, or

3. Construction is not completed within eighteen months of commencement ~~((a reasonable time, as determined by the Control Officer)).~~

B. The ~~((Control Officer))~~ Authority may extend ~~((the))~~ an ~~((18))~~ eighteen-month period, as provided for in Section 5.13.A, upon a satisfactory showing that an extension is justified. The ~~((Control Officer))~~ Authority may approve such a request provided that:

1. No new requirements, such as New Source Performance Standards ~~((Title))~~ 40 CFR ~~((Code of Federal Regulations,))~~ Part 60), National Emissions Standards for Hazardous Air Pollutants ~~((Title))~~ 40 CFR ~~((Code of Federal Regulations,))~~ Parts 61 and 63), or state and local regulations, have been adopted pursuant to Chapter 70.94 RCW or the Federal Clean Air Act (42 USC 7401 et seq.) which would change the order of approval, had it been issued at the time of the extension; and

2. If there is a control technology requirement, pursuant to sections WAC 173-400-112, WAC 173-400-113, or WAC 173-400-114 ((of Chapter 173-400 WAC)); or ((Article V;)) Section 5.09.C of this Article ((Regulation)); that no technologies have been subsequently identified which would change the order of approval, had it been issued at the time of the extension; and

3. The information presented in the *Notice of Construction and Application for Approval* and associated documents and the ((assumptions)) determinations that were made by the ((Control Officer)) Authority during review of the application continue to accurately represent the design, configuration, equipment, and emissions of the proposed stationary ((air contaminant)) source; and

4. The applicant certifies that the stationary ((air contaminant)) source will comply with all applicable requirements of Chapter 70.94 RCW ((and the Federal Clean Air Act (42 USC 7401 et seq.)),) ((and)) the rules and regulations adopted thereunder, and the Authority's regulation(s).

C. Subsection 5.13.A. does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must commence construction within ((18)) eighteen months of the projected and approved commencement date.

AMENDATORY SECTION (Amending Order Res. 00-04, filed 5/4/00)

SECTION 5.14 APPEALS

A. An order of approval, permission to operate, conditions and change thereto, revocation, revision, or suspension thereof, or order of denial of an application for installation and operation of a stationary source may be appealed to the Pollution Control Hearings Board of Washington within 30 calendar days of receipt, as provided in Chapter 43.21B RCW.

~~((A. The following may be appealed to the Pollution Control Hearings Board of Washington within 30 calendar days of receipt, as provided in Chapter 43.21B RCW:~~

1. ~~Notice of Construction and Application for Approval~~
 a. ~~An order of approval;~~
 b. ~~Conditions of an order of approval, or~~
 e. ~~An order of denial of a Notice of Construction and Application for Approval.~~

2. ~~Notice of Intent to Install and Operate a Temporary Source~~

a. ~~a permission to operate;~~
 b. ~~Any Conditions of an contained in a permission to operate, or~~
 c. ~~an order of denial of a Notice of Intent to Install and Operate a Temporary Source.)~~

B. The Authority shall promptly mail a copy((ies)) of each order, approving, ((or)) denying, revoking, revising, or suspending an Order of Approval ((Notice of Construction or Notice of Intent)) or Permit to Operate, to the applicant and to any other party ((in the case of a petition, the person or organization submitting the petition)) who submitted timely comments on the action ((application)). The approval, ((or)) denial, revocation, revision, or suspension order shall include

a notice advising the parties of their rights of appeal to the Pollution Control Hearings Board and, where applicable, to the U.S. EPA Environmental Appeals Board.

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

SECTION 5.15 OBLIGATION TO COMPLY

A. The absence of an ordinance, resolution, rule or regulation, or the failure to issue an order pursuant to this Article shall not relieve any person from the obligation to comply with this Regulation or with any other provision of law.

ARTICLE VI

EMISSIONS PROHIBITED

ADOPTED: June 9, 1969

REVISED: March 4, 2004

EFFECTIVE: ?

AMENDATORY SECTION (Amending Order Res. 01-15 filed 12/6/01)

ARTICLE VI SECTION 6.01 OUTDOOR BURNING...

C. Definitions. Unless a different meaning is clearly required by context, words and phrases used in this Section shall have the following meaning:

1. Agricultural Burning means burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, necessary to destroy weeds or crop residue along farm fence rows, irrigation ditches, or farm drainage ditches, or where identified as a best management practice by the agricultural burning practices and research task force established in ((Chapter)) RCW 70.94.650 or other authoritative source on agricultural practices...

15. Outdoor Burning or Open Burning—See definition in Article I, Section 1.04 of this Regulation ((means 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 in a manner approved by the Authority. Outdoor burning means all types of outdoor burning except agricultural burning and silvicultural burning.))...

E. General Conditions. Considering population density and local conditions affecting air quality, the Authority or permitting authority shall establish conditions for all permits to minimize air pollution as much as practical. Such conditions may be general (applying to all permits) or specific (applying to individual permits). Conditions may address permissible hours of burning, maximum size or volume of material to be burned, requirements for good combustion practice, burning under specified weather conditions, pre-burn and post-burn reporting, and other criteria, determined

by the permitting authority, as necessary to minimize air pollution. Unless exempt per Section 6.01.G, any person who practices or permits the practice of outdoor burning shall, in addition to any specific permit conditions established imposed, comply with the following general conditions:...

13. If an outdoor container is used for burning, it must be constructed of concrete or masonry with a completely enclosed combustion chamber and equipped with a permanently attached spark arrestor constructed of iron, heavy wire mesh, or other non-combustible material with openings not larger than one-half inch...

G. Exceptions. Exceptions to Sections 6.01.D and E. shall be made as follows:

1. Exceptions that do not Require an Outdoor Burning Permit. The prohibitions in Section 6.01.D and the general conditions in Section 6.01.E are waived as indicated for the following types of fires:

a. Indian ceremonial fires are exempt from the prohibitions in Section 6.01.D and Section 6.01.E.4, 6, 7 and 11...

8. Permit timelines. For fires in Section 6.01.G.2.a, b and f-1((k)), all applicants shall submit an application in accordance with Section 6.01.H.8.a. For fires in Section 6.01.G.2.c-e, all applicants shall submit an application in accordance with Section 6.01.H.8.a and/or b.

a. 30-day permit (for fires in Section 6.01.G.2)...

AMENDATORY SECTION (Amending Order Res. 88-09, filed 12/1/88)

ARTICLE VI SECTION 6.02 (~~VISUAL~~) VISIBLE EMISSIONS

A. It shall be unlawful for any person to cause or allow the emission of air contaminant from any emission point which equals or exceeds twenty percent opacity for an aggregate of more than three (3) 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 equal or exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. As such, this practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and the ((a))Authority shall be advised of the schedule.

2. When the presence of uncombined water is the only reason for the failure of an emission to meet the requirements of this section. The burden of proof to establish the quantity of uncombined water in the emission shall lie with the owner or operator who is seeking to bring the emission from his equipment or process within the requirements of Section 6.02A.

3. When otherwise specifically permitted by Article VIII, Section 8.05 of this ((f))Regulation (i.e. solid fuel burning devices). ((and:))

4. ((When, pursuant to R.C.W. 70.94.331, the Authority has approved an alternate opacity limitation based upon an appropriate technical demonstration of the relationship

~~between the opacity and the particulate concentration of an emission source.))~~

B. The 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 the plume nearest the point of emission.

C. Visible emissions shall be determined by using Ecology Test Method 9A. ((a certified observer or equivalent methods.))

D. The emission limits of this section shall apply to each emission point regardless of the number of emissions units connected to a common stack...

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

AMENDATORY SECTION (Amending Board Adoption, filed 6/9/69)

ARTICLE VI SECTION 6.03 INCINERATOR BURNING AND INCINERATION HOURS

A. The Authority, implements and enforces WAC 173-400-050, in Spokane County in addition to Parts B through E of this Section. The more stringent requirement in WAC 173-400-050 or Section 6.03 supersedes the lesser.

B. ((A)) It shall be unlawful for any person to burn any combustible refuse in any incinerator within the jurisdiction of this Authority except in an approved multiple-chambered incinerator or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control. The Control Officer may require the installation of additional control apparatus on an incinerator of approved design, if he finds that it is not effectively controlling air pollution emissions or is the cause of legitimate complaints.

C. ((B)) It shall be unlawful for any person to cause or allow the operation of an incinerator at any time other than daylight hours, except with the approval of the Control Officer.

D. ((E)) Approval of the Control Officer for the operation of an incinerator at other than daylight hours may be granted upon the submission of a written request stating:

1. Full name and address of the applicant.
2. Location of the incinerator.
3. A description of the incinerator and its control equipment.
4. Good cause for issuance of such approval.
5. The hours, other than daylight hours, during which the applicant seeks to operate the equipment.
6. The length of time for which the exception is sought.

E. No one shall install or operate an "Air Curtain Incinerator" or "Wigwam Burner" within the Authority's jurisdiction.

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

AMENDATORY SECTION (Amending Order Res. 87-02, filed 4/2/87)**ARTICLE VI SECTION 6.04 ODORS AND NUISANCES**

A. Effective control apparatus and measures shall be installed and operated to reduce odor-bearing gases and particulate matter emitted into the atmosphere to a reasonable minimum.

B. The Board or Control Officer may establish reasonable requirements that the building or equipment be closed and ventilated in such a way that all the air, gas, and particulate matter are effectively treated for removal or destruction of odorous matter or other air contaminants before emission to the atmosphere.

C. Odors caused by agricultural activities consistent with good agricultural practices exempt from this section:

1. Odors caused by agricultural activities consistent with good agricultural practices on agricultural land are exempt from the requirements of this section unless they have a substantial adverse effect on public health. In determining whether agricultural activity is consistent with good agricultural practices, the ~~((a))~~ Authority shall consult with a recognized third-party expert in activity prior to issuing any notice of violation.

2. Any notice of violation issued under this section pertaining to odors cause by agricultural activity shall include a statement as to why the activity is inconsistent with good agricultural practices, or a statement that the odors have substantial adverse effect on public health.

3. In any appeal to the Pollution Control Hearings Board or any judicial appeal of final order pertaining to odors caused by agricultural activity, the ~~((a))~~ Authority shall prove the activity is inconsistent with good agricultural practices or that the odors have a substantial adverse impact on public health.

4. If a person engaged in agricultural activity on a contiguous piece of agricultural land sells or has sold a portion of that land for residential purposes, the exemption of this section shall not apply.

5. As used in this section:

a. "Agricultural activity" means the growing, raising, or production of horticultural or viticultural crops, berries, poultry, livestock, grain, mint, hay, and dairy products.

b. "Good agricultural practices" mean economically feasible practices which are customary among or appropriate to farms and ranches of a similar nature in the local area.

b. "Agricultural land" means at least five acres of land devoted primarily to the commercial production of livestock or agricultural commodities.

6. The Authority, implements and enforces WAC 173-400-040(4), in Spokane County in addition to Parts A through C.6 of this Section. The more stringent requirement in WAC 173-400-040(4) or Section 6.03 supercedes the lesser...

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

AMENDATORY SECTION (Amending Order Res. 89-07, filed 5/4/89)**ARTICLE VI SECTION 6.05 PARTICULATE MATTER AND PREVENTING PARTICULATE MATTER FROM BECOMING AIRBORNE**

A. It shall be unlawful for any person to cause or allow the discharge of particulates in sufficient numbers to unreasonably cause annoyance to any other person when deposited upon the real property of others. ~~((except as follows:~~

~~1. Temporarily due to breakdown of equipment provided the breakdown is reported on as soon as possible but no later than the next regular working day and repairs are promptly made.~~

~~2. The time period allowed by the Control Officer for the owner or operator to meet the compliance order.))~~

B. It shall be unlawful for any person to cause or permit particulate matter to be handled, transported or stored without taking reasonable precautions to prevent the particulate matter from becoming airborne.

C. It shall be unlawful for any person to cause or permit a building or its appurtenances or a road to be constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Reasonable precautions to prevent particulate matter from becoming airborne must also be used on roads used as detour routes around roads, or section of road that are being constructed, altered, repaired, demolished, or closed for any purpose.

D. It shall be unlawful for any person, including the owner or person in control of real property to cause or allow particulate matter to be deposited upon a paved roadway open to the public without taking every reasonable precaution to minimize deposition. Reasonable precautions shall include, but are not limited to, the removal of particulate matter from equipment prior to movement on paved streets and the prompt removal of any particulate matter deposited on paved streets.

E. It shall be unlawful for any person to cause or allow visible emissions of fugitive dust unless reasonable precautions are employed to minimize the emissions. Reasonable precautions may include, but are not limited to, one or more of the following:

1. The use of control equipment, enclosures, and wet (or chemical) suppression techniques, and curtailment during high winds;

2. Surfacing roadways and parking areas with asphalt, concrete, or gravel;

3. Treating temporary, low traffic areas (e.g., construction sites) with water or chemical stabilizers, reducing vehicle speeds, constructing pavement or rip rap exit aprons, and cleaning vehicle undercarriages and tires before they exit to prevent the track-out of mud or dirt onto paved public roadways; or

4. Covering or wetting truck loads or allowing adequate freeboard to prevent the escape of dust-bearing materials...

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

AMENDATORY SECTION (Amending Board Adoption, filed 6/9/69)**ARTICLE VI SECTION 6.06 EMISSION OF AIR CONTAMINANTS OR WATER VAPOR, DETRIMENT TO PERSONS OR PROPERTY (SEE WAC 173-400-040(5))**

~~A. The Authority, implements and enforces WAC 173-400-040(5). ((It shall be unlawful for any person to cause or permit the emission of an air contaminant or water vapor, including an 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.~~

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

AMENDATORY SECTION (Amending Board Adoption, filed 6/9/69)**ARTICLE VI SECTION 6.07 EMISSION OF AIR CONTAMINANT CONCEALMENT AND MASKING RESTRICTED (SEE WAC 173-400-040(7))**

~~A. The Authority, implements and enforces WAC 173-400-040(7).~~

~~((A. It shall be unlawful for any person to willfully cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of air contaminant which would otherwise violate Section 6.04, 6.05, and 6.06, or this Article.~~

~~B. It shall be unlawful for any person to cause or permit the installation or use of any device or use of any means designated to mask the emission of an air contaminant which causes detriment to health, safety or welfare of any person.))~~

AMENDATORY SECTION (Amending Board Adoption, filed 6/9/69)**ARTICLE VI SECTION 6.08 REPORT OF BREAKDOWN**

A. The owner or operator of a source which emits pollutant(s) exceeding any ~~((of the))~~ limit~~((s))~~ established by Ecology or the Authority in any order(s), rule(s) or regulation(s) that apply to the facility ((this Regulation)) as a direct result of unavoidable upset conditions or unavoidable and unforeseeable breakdown of equipment or control apparatus may be exempt from penalties if:

1. The upset or breakdown is reported to the Authority on the next regular working day.
2. The owner or operator shall, upon request of the Control Officer, submit a report giving:
 - a. The causes.
 - b. The steps to be taken to repair the breakdown, and
 - c. A time schedule for the completion of the repairs.

3. The owner or operator can prove to the Control Officer that the excess emissions due to breakdown were unavoidable by adequately demonstrating that:

a. The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;

b. The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and

c. The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the emissions unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded.

B. The Control Officer on receipt of a report (Subsection A.2.) from the owner or operator describing a breakdown may:

1. Allow continued exempt operation, but only for a limited time period, after which the owner or operator will be required to comply with this Regulation, or the applicable permit condition, or be subject to the penalties in Section 2.11. An exemption granted under this Section 6.08, may be withdrawn if the exempt operation becomes a cause of complaints.

2. Require that the ~~((plant))~~ facility curtail or cease operations of the equipment, which emits pollutants exceeding any of the limits established by this Regulation or in any permit condition, until repairs are completed, if the Control Officer determines that the quantity of pollutants, or the nature of the pollutants, could endanger human health and safety, cause injury to plant and/or animal life, or cause damage to property.

AMENDATORY SECTION (Amending Order Res. 94-28, filed 11/3/94)**ARTICLE VI SECTION 6.09 (RESERVED) ((EXCEPTIONS TO THIS ARTICLE**

The following equipment is exempt from Section 6.02 of this Article:

~~Grain elevators engaged exclusively in receiving, transferring, and storing of cereal grains or legumes.))...~~

AMENDATORY SECTION (Amending Order Res. 01-04, filed 2/2/01)**ARTICLE VI SECTION 6.11 AGRICULTURAL BURNING**

In addition to this Section of the Regulation, the Authority, implements and enforces Chapter 173-430 WAC. The more stringent requirement in Chapter 173-430 or Section 6.11 supersedes the lesser...

PERMANENT

AMENDATORY SECTION (Amending No Order)**ARTICLE VI SECTION 6.12 ((~~INTENTIONALLY BLANK~~)) RESERVED****AMENDATORY SECTION (Amending Order Res. 98-07, filed 5/7/98)****ARTICLE VI SECTION 6.13 GENERAL SURFACE COATING...**

C. Definitions. Unless a different meaning is clearly required by context, words and phrases used in this Section shall have the following meaning:

1. Airless Spray means a spraying system that uses hydraulic atomization instead of air atomization. The coating is supplied to the gun under high fluid pressure between 1000 and 3000 psig and the coating is forced through a small orifice.

2. Air-Assisted Airless Spray means a spraying system that combines air and airless features. An airless type fluid tip atomizes the paint and shapes the fan pattern at fluid pressures between 300 and 1000 psig. Lower pressure air from 10 to 30 psig combines at the spray cap to adjust the fan shape to eliminate heavy edges (tails).

3. Automated means the technique, method, or system of operating or controlling a process by mechanical, electrical, hydraulic, or electronic means independent of human intervention.

4. Brush Coat Application means manual application of coatings by use of a paint brush.

5. Coating means a material or formulation of materials that is applied to or impregnated into a surface in order to beautify, protect, enhance the function, or otherwise cover the surface.

6. Container means the individual receptacle that holds a coating or coating component for storage and distribution.

7. ~~((6-))~~ Dip Coat Application means application of coatings in which the surface to be coated is immersed in a solution (or dispersion) containing the coating material and withdrawn.

8. ~~((7-))~~ Electrostatic Application means application of coatings where an electrostatic potential is created between the part to be coated and the paint particles.

9. ~~((8-))~~ Exempt Solvent means a solvent, or solvent component, which is not a volatile organic compound (VOC).

10. ~~((9-))~~ Flow Coat Application means application of coatings by flowing the coating over the surface to be coated and draining the excess coating to a collection system.

11. ~~((10-))~~ High Volume, Low Pressure (HVLP) or Low Volume, Low Pressure (LVLP) coating system means equipment used to apply coatings by means of a spray gun which operates between 0.1 and 10.0 pounds per square inch gauge air pressure measured at the nozzle and that exhibits a minimum transfer efficiency of 65%, as applied).

12. ~~((11-))~~ Light Duty Vehicle means a passenger car, truck, van, or other motor vehicle which has a gross vehicle weight of 8500 pounds or less, or components thereof.

~~((12-))~~ Metallic/Iridescent Topcoat means any coating that contains more than 5 grams per liter (0.042 lb/gal) of metal or iridescent particles, as applied to the surface, where such particles are visible in dried film.))

13. Multi-Coat System means a coating system where more than one product or coat is sequentially applied to the same surface and generally consists of a pigmented base coat, one or more semi-transparent mid-coats, and a transparent clear coat. The VOC content for a multi-coat system shall be calculated as follows:

$$VOC_{TM} = \frac{VOC_{BC} + VOC_{X1} + VOC_{X2} + \dots + VOC_{Xn} + 2VOC_{CC}}{n+3}$$

where:

VOC_{TM} is the average sum of the VOC content, as applied to the surface, in a multi-coat system; and

VOC_{BC} is the VOC content, as applied to the surface, of the base coat; and

VOC_X is the VOC content, as applied to the surface, of each sequentially applied mid-coat; and

VOC_{CC} is the VOC content, as applied to the surface, of the clear coat (Two coats are applied); and

n is the total number of coats applied to the primer coat(s) surface.

~~((14-))~~ Precoat means any coating that is applied to bare metal, primarily to deactivate the metal surface for corrosion resistance to a subsequently applied water-based primer.))

14. ~~((15-))~~ Pre-packaged Aerosol Can Application means application of coatings from cans which are sold by the coating supplier as non-reusable, hand-held pressurized containers. The coating is expelled as a finely divided spray when a valve on the container is depressed.

~~((16-))~~ Pretreatment Wash Primer means any coating which contains a minimum of 0.5% acid by weight that is applied directly to bare metal to etch the metal surface to enhance corrosion resistance and adhesion of subsequently applied coatings.))

15. ~~((17-))~~ Primer means any coating that is applied to a surface to enhance corrosion resistance, protection from the environment, functional fluid resistance, and adhesion of subsequently applied coatings.

~~((18-))~~ Primer Sealer means any coating that is applied prior to the application of a topcoat to enhance corrosion resistance, adhesion of the topcoat, color uniformity, and the ability of an undercoat to resist penetration by the topcoat.))

~~((19-))~~ Primer Surfacer means any coating that is applied prior to the application of a topcoat to enhance corrosion resistance, adhesion of the topcoat, and a uniform surface by filling in surface imperfections.))

16. ~~((20-))~~ Reducer means any solvent added to a coating which has the effect of reducing the viscosity of the coating or shortening the drying time.

17. ~~((21-))~~ Refinishing means reapplying coating to a surface to repair, restore, or alter the finish.

18. ~~((22-))~~ Roll Coat Application means manual application of coatings by the use of a paint roller.

19. ~~((23-))~~ Solvent Consumption means the volume of solvent purchased or otherwise procured, less the volume

recycled or disposed. In the absence of records which document the transfer of solvent to an authorized recycler or waste hauler, solvent consumption means the volume of solvent purchased or otherwise procured.

~~((24. Specialty Coating means any coating that is necessary due to unusual job performance requirements, including but not limited to uniform finish blenders, elastomeric materials for coating of flexible plastic parts, coatings for non-metallic parts, gloss flatteners, and anti-glare/safety coatings.))~~

20. ~~((25.))~~ Standard engineering practices means that accepted, peer reviewed sets of criteria are used in designing equipment (i.e. Uniform Building, Electrical, and Fire Codes, recommendations of the American Conference of Governmental Industrial Hygienists, guidelines of the Department of Labor and Industry, etc.).

21. ~~((26.))~~ Surface Coating means the application of coating to a surface.

~~((27. Topcoat means any coating that is applied over a primer or directly to a surface, primarily to enhance appearance. For the purposes of this rule, either a base coat/clear coat shall be considered jointly and individually as a topcoat.))~~

~~((28. Volatile Organic Compound (VOC) means any compound of carbon which participates in atmospheric photochemical reactions as defined in 40 CFR part 51, § 51.100(s), other than those organic compounds that the Administrator has excluded in 40 CFR part 51, § 51.100 from this definition.))~~

22. ~~((29.))~~ VOC Content means pounds of VOC per gallon of coating (Lb/Gal) or grams of VOC per liter of coating (G/L), minus water and exempt solvents. The VOC content is calculated as follows:

$$VOC_{CT} = \frac{W_v}{V_M - V_w - V_{ES}}$$

where:

VOC_{CT} is the VOC content of the coating, as applied to the surface; and

W_v is the weight of VOC per unit volume of coating, as applied to the surface; and

V_M is the unit volume of coating, as applied to the surface; and

V_w is the volume of water per unit volume of coating, as applied to the surface; and

V_{ES} is the volume of exempt solvents per unit volume of coating, as applied to the surface.

23. ~~((30.))~~ Wash Solvent means any solution, solvent, suspension, compound, or other material, excluding water, that is used to clean spray equipment, spray equipment lines, containers, and any other equipment associated with the application of coatings.

24. ~~((31.))~~ Wipe-Down Agent means any solution, solvent, suspension, compound, or other material that is applied to a surface exclusively for cleaning the surface or preparing the surface for coating.

D. Prohibitions on emissions

1. No person shall cause or allow the application of any coating which contains greater than 0.1% by weight of one or more compounds of lead or hexavalent chromium.

2. Light duty vehicle refinishing - prohibitions on VOC content. Except as provided in Section 6.13.F., no person shall cause or allow the application of any coating or other agent to any light duty vehicle or light duty vehicle component, with a VOC content in excess of the ~~((following))~~ limits listed in 40 CFR 59, Subpart B, Table 1 - EPA National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings.~~((~~

Type of Coating or Agent	VOC Content	
	Lb/Gal	G/L
Metallic/Iridescent Topcoat	5.0	600
Multi-Coat System Topcoats	5.2	620
Plastic Parts Cleaner	7.0	840
Precoat	5.5	660
Pretreatment Wash Primer	6.5	780
Primer	4.8	575
Primer Sealer	6.0	720
Primer Surfacer	4.8	575
Specialty Coating	7.0	840
Topcoats (General)	5.0	600
Single/two-stage Topcoats	5.0	600
Wipe-Down Agent	1.4	170

~~(*VOC Content is consistent with EPA National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings.))~~

E. Requirements. All persons subject to the requirements of Section 6.13 shall comply with all of the following, unless exempted under Section 6.13.F.

1. Enclosure and Controls - Spray application shall be conducted in a booth or area which is vented to an operating particulate control system. The particulate control system, including filtration, ducting, and fan shall be installed and sized according to standard engineering practices. Acceptable filtration methods may include:

a. Filter banks supplied with filter media designed for spray booth applications.

b. Water baths where the inlet air flow to the water bath is submerged.

c. Water wall systems that form a continuous water curtain through which the particulate flow stream must pass.

d. Other filtration methods that have received the prior written approval of the Control Officer.

The control system shall be equipped with a fan which is capable of capturing all visible overspray. Emissions from the booth/area shall be vented to the atmosphere through a vertical stack. The top of the exhaust stack/vent shall be at least 6 feet above the penetration point of the roof, or if the exhaust stack/vent exits horizontally out the side of the building, then the exhaust stack/vent shall vent vertically at least 6 feet above the eave of the roof. A higher stack/vent may be required if the ~~((a))~~ Authority determines that it is necessary for compliance with Section 6.04 or 6.06 of this ~~((f))~~ Regulation. There shall be no flow obstructions (elbows, tees, or

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stack caps) inside of, or at the top of, the stack that will impede upward vertical flow of the exhausted air.

It shall be the owner/operator's responsibility to comply with other applicable federal, state, and local regulations for the stack/vent.

2. Visible Emissions - Visible emissions from the stack shall not exceed 10% opacity averaged over any six minute period, as determined by EPA Method 9.

3. Application methods - Except as provided in Section 6.13.F., no person shall cause or allow the application of any coating or other agent containing VOC unless the coating or agent is applied by one of the following methods:

- a. High Volume, Low Pressure coating system;
- b. Low Volume, Low Pressure coating system;
- c. Wet or Dry electrostatic application;
- d. Flow coat application;
- e. Dip coat application;
- f. Brush coat application;
- g. Pre-packaged aerosol can application;
- h. Roll coat application;
- i. A spraying technique that when tested, using the methodology presented in ASTM Standard D 5327-92, or when test documentation, provided to and approved by the ((a))Authority, exhibits that the spraying technique has a transfer efficiency of at least 65%;
- j. Alternate application methods that have received the written approval of the Control Officer. Such alternate methods may be used, provided that the owner or operator makes a written request to use an alternate method and the ((e))Control ((e))Officer grants approval. These methods include but are not limited to the following application methods and circumstances:

1) Airless and Air-Assisted Airless Spray systems may be used under any of the following circumstances:

- (a) when the volatile organic compound (VOC) emissions are determined by the Control Officer to be no more than VOC emissions that would be generated by a spray application with a transfer efficiency of 65%;
- (b) when the spraying operation is automated;
- (c) when spray painting structural steel members where the coating, as formulated by the coating manufacturer, does not require addition of reducers to spray, and is delivered under high pressure (> 1,000 psig for airless, or > 300 psig for air-assisted airless) to the application system; or
- (d) where the Control Officer has determined that the coating cannot be feasibly applied with a method that has a minimum transfer efficiency of 65%...

F. Exceptions. Exceptions to Section 6.13 shall be made as follows:

- 1. Noncommercial exemption. Nothing in Section 6.13 shall apply to surface coating operations conducted solely for personal, noncommercial purposes if, on a facility-wide basis, less than 5 gallons of surface coatings are applied per year.
- 2. Coating process exemptions. Nothing in Section 6.13 shall apply to the following coating processes:
 - a. The application of architectural coatings to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs;
 - b. Fiberglass resin application operations;

- c. Gel coating operations;
- d. The application of asphaltic or plastic liners. This includes undercoating, sound deadening coating, and spray on bed lining for trucks; ((e))
- e. Spray plasma plating operations; or
- f. Application of coatings to farming equipment...

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

AMENDATORY SECTION (Amending Board Adoption, 6/9/69)

ARTICLE VII RESERVED

REPEALER

((

COMPLIANCE SCHEDULES

ADOPTED: June 9, 1969

REVISED:))

REPEALER

~~((A. All existing sources, which are under the jurisdiction of this Agency shall achieve full compliance with the emission limitations as specified in Regulation I and II of the Spokane County Air Pollution Control Authority by July 2, 1975.~~

~~1. Each source to which these regulations apply, shall, at the request of the agency, submit a statement advising whether the source at time of submission is in compliance with the emission limitations of this regulation. With respect to any such emission limitation not being met by January 1, 1974, the source shall achieve compliance in accordance with the following schedule.~~

~~a. By July 1, 1974, submit to the agency a specific plan of correction or improvement to meet the emission limitation within one year. Such plans must provide for complying with (b) below.~~

~~b. By January 1, 1975, order equipment for control or modification required to meet the plan of correction or improvement. A report verifying this action shall be submitted to the agency by January 15, 1975.~~

~~In relation to plans submitted pursuant to (A)(1) above, the agency receiving same may require additional information or changes to assure full compliance by July, 2, 1975 (see Article V, Regulation I:))~~

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

REPEALER

~~((B. On notification from the agency the owner or operator of a source shall submit a proposed compliance schedule~~

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within a reasonable period of time. The proposed compliance schedule shall contain interim compliance dates for such steps as engineering and design, acquisition and installation of equipment. The schedule shall give the final compliance date with Spokane County Air Pollution Control Authority Regulations and be signed by the owner or operator of the source or his designee.

The proposed compliance schedule shall be submitted to the Board who may act to accept, modify, amend, or disapprove the proposal. After the Board has voted to accept the proposed compliance schedule in its final form, a regulatory order shall be issued establishing a compliance schedule which contains the progress reporting elements required in this subsection for the source.

Opportunity for a public hearing on each proposed compliance schedule shall be provided by prominent advertisement of a notice identifying the proposal and announcing its availability for public inspection at the Agency office. No public hearing on a proposed compliance schedule shall be held before 30 days after the publication of the above notice. A source shall be considered to be in compliance with this chapter if all the provisions of its individual compliance schedule included within a regulatory order issued hereunder are being met.)

AMENDATORY SECTION (Amending Order Res. 01-19, filed 11/1/01)

ARTICLE X

FEES AND CHARGES

ADOPTED: September 12, 1991

REVISED: March 4, 2004

EFFECTIVE: ?

AMENDATORY SECTION (Amending Order Res. 97-05, filed 4/3/97)

SECTION 10.01 DEFINITIONS

Unless a different meaning is clearly required by context, words and phrases used in this article shall have the following meaning:

((When used in Regulation I of the Spokane County Air Pollution Control Authority:))

A. Air Operating Permit Source means any facility required to have an operating permit pursuant to Chapter 173-401 WAC.

B. ((Burn Out Oven means any oven used to clean or remove dirt, grease, grime, paint, varnish, or any other unwanted substance or contaminant, from any object by using controlled incineration.

C. Criteria Pollutant means any one of the following: fine particulate matter (PM10), volatile organic compounds (VOC), nitrogen oxides, sulfur oxides, ozone, lead, or carbon monoxide.)

B. D. Emission Fee means the component of a registration fee or operating permit fee, which is based on total actual

annual emissions of criteria and toxic air pollutants. In the case of a new or modified source or a source being registered initially, the emission fee is based on projected emissions as presented in an approved Notice of Construction or registration form.

E. ((Emission Reduction Credit means a credit granted to a source for a voluntary reduction in actual emissions per 173-400-131 WAC:))

C. F. Registration Period means the ((twelve-month period)) calendar year for which an annual fee has been assessed pursuant to Section 10.06.B.1. (((1))) or 10.06.B.2 (((2))).

G. ((Source means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous 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 groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement:))

D. H. Significant Emissions, for the purposes of this Article, means the same, as defined in Article I, Section 1.04, of this Regulation. ((- in reference to a net emissions increase or the potential of a source to emit, any of the following pollutants, at a rate of emissions equal to or greater than any one of the following rates:

- increased emissions of 10 tons per year of any one toxic air pollutant; or,
- increased emissions of 25 tons per year of two or more toxic air pollutants; or,

Pollutant	Tons/Year
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate Matter (PM)	25
Fine particulate matter (PM10)	15
Volatile organic compounds	40
Lead	0.6
Fluorides	3
Sulfuric Acid Mist	7
Hydrogen sulfide (H2S)	10
Total reduced sulfur (including H2S)	10
Reduced sulfur compounds (including H2S)	10
Municipal waste combustor organics (measured as total tetra through octa chlorinated dibenzo-p-dioxins and dibenzofurans)	0.0000035
Municipal waste combustor metals (measured as PM)	15
Municipal waste combustor acid gases (measured as SO2 and hydrogen chloride)	40

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~~I. Stage I Vapor Recovery means the capture of gasoline vapors at gasoline dispensing facilities during the transfer of gasoline from a transport tank into a stationary storage tank.~~

~~J. Stage II Vapor Recovery means the capture of gasoline vapors at gasoline dispensing facilities during the transfer of gasoline from a stationary storage tank into a motor vehicle fuel tank.~~

~~K. Total Actual Annual Emissions means the total of all criteria and toxic air pollutant emissions for the most recent complete year that is available to SCAPCA.~~

~~L. Toxic Air Pollutant means any toxic air pollutant (TAP) listed in WAC 173-460-150 or 173-460-160. Toxic air pollutant does not include particulate matter or volatile organic compounds as generic classes of substances.)~~

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

2. There are no specific regulations on the control of air contaminants; or

3. Compliance with control requirements is readily accomplished through nontechnical self-inspection techniques; or

4. The primary purpose for registration, pursuant to Article IV, is to inventory air contaminant emissions.

As categories are so identified, the Control Officer may waive one-half of the annual registration fee for owners or operators of individual facilities who provide emission inventory data, and other required information relative to compliance with applicable regulations, within 30 days of the request by the Authority, in a format acceptable to the Authority. In so doing, the owner or operator shall certify to the best of his/her knowledge, on forms provided by the Authority, that the emission inventory data is accurate and the facility is in compliance with applicable regulations. Owners or operators who fail to return the information within 30 days of the request will not qualify for a fee waiver under this Section. Notwithstanding the provision of required data by the owner or operator, the Authority reserves the right to conduct inspections of the facility.

C. The following categories of sources are eligible for the fee waiver specified in Section 10.04.B. However, individual sources are not eligible if one or more Notices of Violation have been issued by the Authority, pursuant to Section 2.04 of this Regulation ((§)), to the facility in the previous 36-((-))month period:

<u>Source Category</u>	<u>Rating</u>
Surface Coating Operations	<1 ton/yr VOC emitted
Gasoline Dispensing Facilities	Exempt from stage II vapor recovery requirements
Boilers & Other Fuel Burning Equipment, With Air Contaminant Emissions Exclusively From Natural Gas Combustion	<10 ⁷ BTU/hr heat input
Boilers & Other Fuel Burning Equipment, With Air Contaminant Emissions Exclusively From Other Fossil Fuel Combustion	<10 ⁶ BTU/hr heat input
Dry Cleaning Plants	<140 gal/yr solvent consumption
Waste Oil Burners	<500,000 BTU/hr heat input
Tire Recapping Facilities	All units in the category
Grain Elevators	All units with no on-site processing capability

AMENDATORY SECTION (Amending Order Res. 99-18, filed 9/2/99)

SECTION 10.05 GENERAL ADMINISTRATIVE FEES

A. A fee of \$0.15 per page for photocopies shall be charged.

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SECTION 10.02 FEES AND CHARGES REQUIRED

A. Any fee assessed pursuant to Article X shall be paid within 30 days of assessment. Any person who is more than 90 days late with such payment shall pay a penalty equal to three times the amount of the original fee owed.

B. Revenues collected pursuant to RCW 70.94.161 shall be deposited in the operating permit program dedicated account and shall be used exclusively for the program.

AMENDATORY SECTION (Amending Order Res. 95-12, filed 7/6/95)

SECTION 10.03 FEES OTHERWISE PROVIDED

A. All fees and charges provided for in this Article X are in addition to fees otherwise provided for or required to be paid by Regulation I, PROVIDED the Control Officer shall waive payment of any fee or service charge hereby required if the Control Officer determines that such fee is duplicative of a fee charged or required to be paid by another Article of this ((§))Regulation.

AMENDATORY SECTION (Amending Order Res. 97-05, filed 4/3/97)

SECTION 10.04 FEE WAIVER

A. Except for air operating permit sources, the Control Officer may waive payment of all, or a portion, of any fee or service charge required by this Article upon a showing deemed sufficient by the Control Officer that payment of the fee would cause financial hardship upon the applicant.

B. The Control Officer may identify categories of sources, or groups of sources within a category, in Section 10.04.C. with similar emissions units and processes where the Control Officer determines that any of the following conditions exist:

1. Facility-wide emission rates are less than 1 ton per year of air contaminants; or

B. The actual cost of postage shall be charged for all material requested to be mailed.

C. For other administrative services requested and performed by Authority staff, which are not provided to the public generally, the Control Officer shall determine such charge as reasonably reimburses the Authority for time and materials expended in providing the service.

AMENDATORY SECTION (Amending Order Res. 01-19, filed 11/1/01)

SECTION 10.06 REGISTRATION AND OPERATING PERMIT FEES FOR AIR CONTAMINANT SOURCES

A. Each source required by Article IV, Section 4.01 to be registered, each air operating permit source, and each source required by Article V, Section 5.02 to obtain an approved Notice of Construction and Application for Approval is subject to an annual fee for each calendar year, or portion of each calendar year, during which it operates. The owner or operator shall pay the fee, pursuant to the requirements in Section 10.02. Fees received pursuant to the registration program or the operating permit program shall not exceed the actual costs of program administration.

B. The annual fee for each source shall be determined as follows:

1. For sources that are not subject to Section 10.06.B.3, 4, or 5. (~~((3), (4), or (5))~~) of this ((~~the~~)) Regulation and which emit less than 5 tons per year of criteria and toxic air pollutants:

- a. a flat fee of \$160; and
- b. a \$30 fee for each stack and other emission point, not to exceed \$600; and
- c. an emission fee of \$20 per ton of each criteria and toxic air pollutant; and
- d. an additional fee of \$150 for each source which operated at least one incinerator or burn out oven during the registration period; and
- e. an additional fee of \$100 if the source is required by the Authority to submit an annual emissions inventory to the Washington Emission Data System (WEDS).

2. For sources that are not subject to Section 10.06.B.3, 4, or 5. (~~((3), (4), or (5))~~) of this ((~~the~~)) Regulation and which emit 5 tons or more per year of criteria and toxic air pollutants, but less than 100 tons per year of any one criteria pollutant:

- a. a flat fee of \$215; and
- b. a \$30 fee for each stack and other emission point, not to exceed \$600; and
- c. an emission fee of \$20 per ton of each criteria and toxic air pollutant; and
- d. an additional fee of \$150 for each source which operated at least one incinerator or burn out oven during the registration period; and
- e. an additional fee of \$100 if the source is required by the Authority to submit an annual emissions inventory to the Washington Emission Data System (WEDS).

3. For air operating permit sources, a share of the assessment by ((~~the Department of~~)) Ecology, pursuant to RCW 70.94.162(3), determined according to Section 10.06.D of this ((~~the~~)) Regulation, plus:

a. for bulk gasoline loading terminals, Standard Industrial Classification 5171, a fee of \$11,500;

b. for secondary aluminum facilities, Standard Industrial Classification 3341, a fee of \$21,100;

c. for municipal solid waste incineration facilities, Standard Industrial Classification 4953, a fee of \$20,400;

d. for military bases, Standard Industrial Classification 9711, a fee of \$17,850; or

e. for sources not listed in a., b., c., or d. above

1) which have total annual actual emissions of less than 50 tons, a fee of \$3000;

2) which have total annual actual emissions of greater than or equal to 50 tons but less than 100 tons, a fee of \$4000; or

3) which have total actual annual emissions of 100 tons or greater, a fee of \$5000.

4. For affected units under Section 404 of the Federal Clean Air Act (42 USC 7401 et seq):

a. a fee of \$50 per hour of time expended in carrying out the fee eligible activities specified in RCW 70.94.; and

b. a share of the assessment by ((~~the Department of~~)) Ecology, pursuant to RCW 70.94.162(3), determined pursuant to Section 10.06.D of this ((~~the~~)) Regulation.

5. For ((~~gasoline dispensing~~)) facilities, where the dispensing of gasoline is the only registered emission point, and which are not subject to Section 10.06.B.3 (~~((3))~~) of this ((~~the~~)) Regulation, a flat fee of \$165.

C. The Board ((~~of Directors~~)) shall annually review the fee schedule for air operating permit sources and projected costs to implement the requirements of RCW 70.94.161 and determine if the total projected fee revenue to be collected pursuant to this Section is sufficient to recover program costs. Such review shall include opportunity for public review and comment on the projected costs and any changes to the operating permit fee schedule. Accordingly, the Authority shall account for program costs, including employee costs and overhead. If the Board ((~~of Directors~~)) determines that the total projected fee revenue is either significantly excessive or deficient for this purpose, then the Board ((~~of Directors~~)) shall amend the fee schedule to more accurately recover program costs.

D. Individual shares of the assessment pursuant to RCW 70.94.162(3) shall be determined by the following formula:

$$I = \frac{F_i \times A_E}{F_T}$$

Where,

I is the individual share of the assessment, and
 F_i is the individual fee assessed pursuant to Section 10.06.B.3, or 4. (~~((3), or (4))~~) of this ((~~the~~)) Regulation, and

A_E is the total assessment pursuant to RCW 70.94.162(3), and

F_T is the sum of all the individual fees assessed pursuant to Sections 10.06.B.3, or 4. (~~((3), or (4))~~) of this ((~~the~~)) Regulation.

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

AMENDATORY SECTION (Amending Order Res. 00-04, filed 5/4/00)

SECTION 10.07 APPLICATION AND PERMIT FEES FOR NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL AND FOR NOTICE OF INTENT TO INSTALL AND OPERATE A TEMPORARY STATIONARY SOURCE

A. **Filing Fee** - For each project required by Article V to file a Notice of Construction and Application for Approval (NOC) or a Notice of Intent to Install and Operate a Temporary Stationary Source, the applicant shall pay a filing fee of \$150 at the time of filing the application.

B. **Project Review Fee** - IN ADDITION to the filing fee provided in Section 10.07.A, the applicant shall pay a fee, according to the following:

1. **Equipment fee.** Sources for which an application is made for one or more (~~(than one)~~) emission points under one Notice of Construction or Notice of Intent to Install and Operate a Temporary Stationary Source application, as allowed in Section 5.02.G (~~(D)~~), the equipment fee, for each emissions unit and/or air pollution control system being installed or modified, shall be as follows:

a. Fuel Burning Equipment With or Without Air Pollution Control Equipment:

<u>Design Input Size (MMBtu/hr)</u>	<u>Fee</u>
.4 < 5	\$200
5 < 10	\$250
10 < 20	\$300
20 < 50	\$350
50 < 100	\$400
100 < 250	\$500
250 < 500	\$650
500 < UP	\$850

b. Refuse Burning Equipment Including Air Pollution Control Equipment:

<u>Capacity (ton/day)</u>	<u>Fee</u>
0 < 12	\$1,000
12 < 250	\$1,500
250 < UP	\$2,500

c. Process Equipment and/or Air Pollution Control Equipment or Uncontrolled Process Equipment:

<u>Actual ft³/min</u>	<u>Fee</u>
0 < 5,000	\$150
5,000 < 20,000	\$250
20,000 < 50,000	\$350
50,000 < 100,000	\$450
100,000 < 250,000	\$550
250,000 < 500,000	\$650
500,000 < UP	\$800

d. Gasoline dispensing facilities:

<u>Equipment Being Installed</u>	<u>Fee</u>
Annual facility gasoline throughput of less than 1.5 million gallons	\$150
Annual facility gasoline throughput of 1.5 million gallons or greater	\$250

e. For sources not included in the above categories, an hourly fee of \$50.00 per hour of time expended in ~~(plan)~~ project review.

2. **Significant emissions review fee** - In addition, except for projects subject to an equipment fee, pursuant to Section 10.07.B.1.e. (~~((1)(e))~~) above, for any new or modified source of air pollution to be constructed and anticipated to produce significant emissions, as defined in Article I, Section 1.04. of this Regulation, a significant emissions review fee of \$250.

3. **Toxic air pollutant review fee** - In addition, except for projects subject to an equipment fee, pursuant to Section 1(~~(-)~~)0.7.B.1.e. (~~((1)(e))~~) above, for any new or modified source of air pollution which requires review pursuant to Chapter 173-460 WAC, a toxic air pollutant review fee. For sources with one or more (~~(than one)~~) emission points under one Notice of Construction application, as allowed in Section 5.02.G (~~(D)~~), a separate toxic air pollutant review fee applies to each emissions unit, or each group of like-kind emissions units, being installed or modified. A group of emissions units shall be considered as like-kind if the same set of emission calculations can be used to characterize emissions from each of the emissions units. The toxic air pollutant review fee shall be as follows:

a. For a new or modified source using WAC 173-460-080 (2)(e), Small Quantity Emission Rates, to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070 & WAC 173-460, an additional charge of \$100;

b. For a new or modified source using dispersion screening models (e.g., EPA SCREEN or TSCREEN) under WAC 173-460-080 (2)(c) to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, an additional charge of \$150;

c. For a new or modified source using more refined dispersion models (e.g., EPA ISC3) under WAC 173-460-080 (2)(c) to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, an additional charge of \$400; or

d. For a new or modified source using a second tier analysis under WAC 173-460-090 or a risk management decision under WAC 173-460-100 to demonstrate that ambient impacts are sufficiently low to protect human health and safety, as required WAC 173-460-070, an additional charge of \$1000.

4. **NSPS Review Fee** - In addition, except for projects subject to an equipment fee, pursuant to Section 10.07.B.1.e. (~~((1)(e))~~) above, for any new or modified source of air pollution, subject to a standard under WAC 173-400-115 (NSPS), an additional charge as follows:

a. If subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional

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Steam Generating Units, with only natural gas as a fuel, an additional charge of \$50;

b. If subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, using fuels other than solely natural gas, an additional charge of \$100;

c. If subject to 40 CFR Part 60, Subpart I, Standards of Performance for Hot Mix Asphalt Facilities, an additional charge of \$100;

d. If a volatile organic liquid storage tank subject to 40 CFR § 60.110b (b) or (c), no additional charge;

e. If subject to 40 CFR Part 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants, no additional charge; and

f. If subject to a subpart of 40 CFR Part 60, other than those covered in ((f))a.((g)) through ((f))d.((h)) above, an additional charge of \$250.

5. **NESHAP Review Fee** - In addition, except for projects subject to an equipment fee, pursuant to Section 10.07.B.1.e. ((1))e.)) above, for any new or modified source of air pollution, subject to a standard under WAC 173-400-075 (NESHAP), an additional charge as follows:

a. If subject to 40 CFR Part 63, Subpart M, National Perchloroethylene Air Emissions Standards for Dry Cleaning Facilities, and/or WAC 173-400-075(6), Emission Standards for Perchloroethylene Dry Cleaners, no additional charge;

b. If subject to 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, an additional charge of \$100;

c. If subject to 40 CFR Part 63, Subpart T, National Emission Standards for Halogenated Solvent Cleaning, an additional charge of \$150; and

d. If subject to a subpart of 40 CFR Part 63, other than those covered in ((f))a.((g)) through ((f))c.((h)) above, an additional charge of \$250.

6. **Integrated Review Fee** - In addition, for integrated review of a Notice of Construction and Application for Approval, as allowed under Section 5.02.J ((H)) of this ((f))Regulation, an additional charge of \$250.

C. **Change in Condition Fee** - Sources for which application is made for a change in conditions pursuant to Section 5.10.C of this ((f))Regulation, the fee shall be one half the current fee for a Notice of Construction and Application for Approval or a Notice of Intent to Install and Operate a Temporary Stationary Source for that type of source, including the filing fee, according to Section 10.07.A, and the applicable fees, according to Section 10.07.B, or \$350, whichever is less.

D. **Compliance Investigation Fee** - Where a compliance investigation is conducted pursuant to Section 5.12 of this ((f))Regulation, the compliance investigation fee shall be \$300 per emissions unit, or group of like-kind emissions units, being installed or modified. A group of emissions units shall be considered as like-kind if the same set of emission calculations can be used to characterize emissions from each of the emissions units.

E. **SEPA Review Fee** - Where review of an Environmental Impact Statement (EIS), Environmental Checklist, or an Addendum to, or adoption of, an existing environmental

document pursuant to the State Environmental Policy Act (SEPA) Chapter 197-11 WAC is required, in association with a Notice of Construction and Application for Approval or a Notice of Intent to Establish a Temporary Stationary Source, the applicant shall pay a SEPA or EIS review fee of \$50 per hour or \$125, whichever is greater. The applicant shall pay a partial SEPA review fee of \$125, at the time of submittal of the EIS or SEPA. The Authority will bill the owner, operator, or applicant for the remainder of the SEPA or EIS review fee after a threshold determination has been made and/or a preliminary determination of the Notice of Construction has been issued.

F. Complex Project Review Fee -

1. The Control Officer may notify the applicant in writing that, due to the complexity of the application, the permit processing fees will be based on the actual hours spent by the Authority staff in evaluating and verifying the proposed project's compliance with applicable federal, state, and local rules and regulations. The complexity fee applies to Notice of Construction and Application for Approval orders and Notice of Intent to Establish a Temporary Stationary Source permissions to operate.

2. The complexity fee assessed shall be \$50 per hour and shall not exceed the actual cost of processing and reviewing the proposed project. This complexity fee may include, but is not limited to, costs associated with planning meetings and/or design evaluations, that are related to the proposed project, prior to actual submission of a complete application.

3. The complexity of a permit shall be determined by dividing the usual fee in Section 10.07.B.1.a - d. by \$50 per hour. If this number is less than the actual hours spent in review, the Authority may elect to assess a Complex Project Review Fee instead of assessing the fee according to the schedule in Section 10.07.B.1.a - d. The actual review time shall not include the time associated with review of an environmental checklist or environmental impact statement. These fees are assessed separately under Section 10.07.E.

4. The applicant may avoid being subject to a Complex Project Review Fee by providing additional information with the application that reduces the cost to the Authority in reviewing the application to a level consistent with the fee schedule in Section 10.07.B.1.a - d.

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

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 Res. 02-01, filed 1/3/02)

SECTION 10.08 MISCELLANEOUS FEES

A fee of \$50 per hour of time expended in review shall be paid by the applicant for each of the following:

A. Emission reduction credit request pursuant to Chapter 173-400-131 WAC.

B. Alternate opacity limit request pursuant to RCW 70.94.331 (2)(c).

C. Reasonably Available Control Technology (RACT) determination pursuant to Chapter 173-400-040 WAC and/or RCW 70.94.161.

D. Variance request pursuant to ((SCAPCA Regulation F)); Article III of this Regulation or RCW 70.94.181. In addition, the applicant shall pay a filing fee of \$125.

E. Voluntary limits on emissions request pursuant to Chapter 173-400-091 WAC.

F. Requests pursuant to the following sections of this ((F))Regulation.

1. Section 6.13.E.3.j (use of alternate spray application method);
2. Section 6.13.F.4 (large object enclosure exemption);
3. Section 6.13.F.6 (stack exemption);
4. Section 6.13.F.9 (use of lead or hexavalent chrome containing coatings);

5. Section 6.13.F.10 (enclosure and/or particulate control exemption); ((and))

6. Section 6.13.F.11 (inside exhaust exemption)((-)); and
7. Registration exemption requests.

G. Fees shall be paid without regard to whether the request(s) associated with this Section are approved or denied.

AMENDATORY SECTION (Amending Order Res. 01-15, filed 12/6/01)

SECTION 10.09 ASBESTOS FEES

Written notification, as required in Article IX, Section 9.04, shall be accompanied by the appropriate nonrefundable fee according to Section 10.09.A ((F)).

A. ((F-)) Notification Period and Fees

Project	Size or Type	Notification Period	Fee
Owner-Occupied, Single-Family Residence Asbestos Project (excluding demolition)	Notification Not Required	None	None
Owner-Occupied, Single-Family Residence Demolition	All	Prior Notice	\$25
All Other Demolitions with no asbestos project	All	10 Days	\$150
Asbestos Project includes demolition fee*	10-259 linear ft 48-159 square ft	3 Days	\$150
Asbestos Project includes demolition fee	260-999 linear ft 160-4,999 square ft	10 Days	\$300
Asbestos Project includes demolition fee	1,000-9,999 linear ft 5,000-49,999 square ft	10 Days	\$750
Asbestos Project includes demolition fee	> 10,000 linear ft > 50,000 square ft	10 Days	\$1,500
Emergency	9.04.C	Prior Notice**	Additional fee equal to project fee
Amendment***	9.04.B	Prior Notice	\$50
Alternate Means of Compliance (demolitions or friable asbestos-containing material)	9.07.A or C	10 Days	Additional fee equal to project fee
Alternate Means of Compliance (non-friable asbestos-containing material)	9.07.B	10 Days	Additional fee equal to project fee
Annual	9.04.A.8	Prior Notice	\$1,000

* Demolitions with asbestos projects involving less than 10 linear feet or less than 48 square feet may submit an asbestos project notification under this project category and will be eligible for the 3-day notification period.

** Except in the case where advance notice is not required pursuant to Section 9.04.C.2.

*** For an amendment where the project type or job size category is associated with a higher fee, a fee equal to the difference between the fee associated with the most recently submitted notification and the fee associated with the increased project type or job size category shall be submitted in addition to the \$50 amendment fee.

B. ((b-)) The Control Officer may waive the asbestos project fee and notification period, by written authorization, for disposal of unused and intact or abandoned (without the knowledge or consent of the property owner) asbestos-containing materials. All other asbestos project and demolition requirements remain in effect.

C. ((e-)) Where a compliance investigation is conducted pursuant to Section 9.04 of this ((F))Regulation, the compli-

ance investigation fee shall be equal to \$50 per hour of compliance investigation.

D. Fees shall be paid without regard to whether the request(s) associated with this Section are approved or denied.

AMENDATORY SECTION (Amending Order Res. 93-18, filed 9/2/93)

SECTION 10.10 SOLID FUEL BURNING DEVICE EXEMPTIONS

A. An initial nonrefundable fee of \$25 shall be paid for review of any exemption request to use solid fuel combustion device during periods of impaired air quality. An annual nonrefundable renewal fee of \$10 will be required each year thereafter. ((Payment of the fee shall not guarantee the applicant that the request will be approved.)) These fees may be waived per Section 10.04 or for emergency situations.

PERMANENT

B. Fees shall be paid without regard to whether the request(s) associated with this Section are approved or denied.

SECTION 10.11 OXYGENATED GASOLINE

A. Pursuant to Chapter 173-492 WAC, the following annual fees shall be paid by blenders of oxygenated gasoline for sale in the Spokane Control Area.

Small Volume	(<100,000 Gallons/Month)	\$170
Medium Volume	(100,000 to <1,000,000 Gallons/Month)	\$335
Large Volume	(1,000,000 to <15,000,000 Gallons/Month)	\$2,070
Very Large Volume	(>15,000,000 Gallons/Month)	\$5,170

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

AMENDATORY SECTION (Amending Order Res. 97-05, filed 4/3/97)

SECTION 10.12 AGRICULTURAL BURNING FEES

A. For agricultural burning permits issued by the Authority pursuant to Section 6.11 of this ((#))Regulation, a nonrefundable fee shall be paid by the applicant according to the following:

1. Portion for local administration: a fee of \$1.25 per acre; and
2. The state administration and research portions, pursuant to 70.94.650 RCW and WAC 173-430-040 (3)(b).

B. Refunds of fees collected by the Authority may be provided at the discretion of the Authority for portions of acreage, of equivalent, unburned, provided that the total adjusted fee is no less than \$25.

C. Acreage equivalency shall be in accordance with the determination of the agricultural burning practices and research task force pursuant to WAC 173-430-040 (3)(d).

D. Fees shall be paid without regard to whether the request(s) associated with this Section are approved or denied.

SECTION 10.13 OUTDOOR BURNING PERMIT FEES

AMENDATORY SECTION (Amending Order Res. 01-15, filed 12/6/01)

For outdoor burning permit applications, submitted to the Authority pursuant to Section 6.01 of this ((#))Regulation, a nonrefundable fee shall accompany the application. The fee is as follows:

- A. A \$10 fee shall be submitted with each 30-day permit application.
- B. A \$25 fee shall be submitted with each annual permit application.

C. Fees shall be paid without regard to whether the request(s) associated with this Section are approved or denied.

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

AMENDATORY SECTION (Amending Order Res. 02-01, filed 1/3/02)

SECTION 10.14 PAVING WAIVER FEES

A. A minimum nonrefundable filing and review fee of \$50 shall accompany all paving waiver requests submitted to the Authority ((SCAPCA)). After the first hour of filing and review, an additional fee of \$50 per hour shall be paid by the applicant for each hour of time expended by the Authority ((SCAPCA)) in carrying out the review.

B. Fees shall be paid without regard to whether the request(s) associated with this Section are approved or denied.

REPEALER

((REGULATION H

~~SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY))~~

REPEALER

((ARTICLE I

POLICY AND SHORT TITLE

~~ADOPTED: September 7, 1971~~

~~REVISED: January 6, 1975))~~

REPEALER

((SECTION 1.01 POLICY

~~The Spokane County Air Pollution Control Authority, co-extensive with the boundaries of Spokane County, having been activated by the Washington Clean Air Act, RCW 70.94 as amended, adopts the following Regulations to control the emission of air contaminants from all sources within the jurisdiction of the Authority; to provide for the uniform administration and enforcement of this Regulation; and to carry out the requirements and purposes of the Washington Clean Air Act.~~

It is hereby declared to be the public policy of the Spokane County Air Pollution Control Authority to secure and maintain such levels of air quality as will protect human health and safety and, to the greatest degree practicable, prevent injury to plant and animal life and to property, foster the comfort and convenience of its inhabitants, promote the economic and industrial development of the County and enhance the recreational potential within the County:))

PERMANENT

REPEALER

~~((SECTION 1.02 NAME OF AUTHORITY~~

~~The name of the County Air Pollution Control Authority, co-extensive with the boundaries of Spokane County, shall be known as the "Spokane County Air Pollution Control Authority.")~~

REPEALER

~~((SECTION 1.03 SHORT TITLE~~

~~This regulation shall be known and cited as "Regulation II of the Spokane County Air Pollution Control Authority.")~~

REPEALER

~~((ARTICLE II~~

**GENERAL PROVISIONS
SEVERABILITY AND PENALTY**

~~ADOPTED: September 7, 1971~~

~~REVISED:))~~

REPEALER

~~((SECTION 2.01 GENERAL PROVISIONS~~

~~The general provisions cited in Section 2.01, 2.02, 2.03, 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, 2.10, 2.11, 2.12 of Regulation I shall apply to Regulation II.)~~

REPEALER

~~((ARTICLE III~~

VARIANCES, WHEN PERMITTED

~~ADOPTED: September 7, 1971~~

~~REVISED:))~~

REPEALER

~~((A. Any person who owns or is in control of any plant, building, structure, establishment, process or equipment, including a group of persons who owns or controls like processes or like equipment, may apply to the Board for a variance from rules or regulations governing the quality, nature, duration, or extent or discharges of air contaminants. 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 it finds that:~~

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

REPEALER

~~((B. No variance shall be granted pursuant to this section until the Board had considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.))~~

REPEALER

~~((C. Any variance or renewal thereof shall be granted within the requirements of sub-section A for a time period 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 alternate measure that the 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 times as, in the view of the 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 hardship of a kind other than that provided for in Item 1 and 2, it shall be for not more than one (1) year.))~~

REPEALER

~~((D. Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the Board on account of the variance, no renewal 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 receipt of an application for renewal, the Board shall give public notice of such application in accordance with rules and regulations of the Board.))~~

REPEALER

~~((E. A variance or renewal shall not be a right of the applicant or holder thereof but shall be at the discretion of the Board. Any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the Board, may obtain judicial review thereof only under the provisions of Chapter 34.04 RCW as now or hereafter amended.))~~

PERMANENT

REPEALER

~~((F. Nothing in this section and no variance or renewal granted pursuant hereto shall be constructed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.415 of the Washington Clean Air Act to any person or his property. (RCW 70.94.181)))~~

REPEALER

~~((ARTICLE IV~~

EMISSION PROHIBITED

~~ADOPTED: September 7, 1971~~

~~REVISED: May 1, 1979))~~

REPEALER

~~((SECTION 4.01 PARTICULATE EMISSIONS—GRAIN LOADING RESTRICTIONS~~

~~It shall be unlawful for any person to cause or allow the emission of particulate matter into the atmosphere from any single source:~~

~~A. Which is in excess of 0.1 grains per cubic foot of gas at standard conditions for non-combustion sources.~~

~~B. Which is in excess of 0.1 grains per cubic foot of gas calculated to 12% of carbon dioxide (CO₂) at standard conditions for combustion sources.~~

~~C. In the non-attainment area any source which has an actual annual emission of 25 tons or greater shall use reasonably available control technology for that specific industrial source category, or the source may choose to achieve an emission level of 0.05 grains/DSCF, whichever is the more stringent.~~

~~If the source does not operate year-round, then a calculated annual emission rate will be given. This calculated rate will be the product of the actual hourly or daily emission rate for the period of operation increased by a direct ratio to represent twelve (12) months of operation.~~

~~The effective date of this regulation shall be January 1, 1979 and all sources subject to this regulation shall be in compliance no later than January 1, 1982.))~~

REPEALER

~~((SECTION 4.02 CONCEALMENT OR MASKING RESTRICTIONS~~

~~It shall be unlawful for any person to willfully cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of particulate matter discharged, conceals or dilutes the emissions which would otherwise violate Section 4.01 of this regulation.))~~

REPEALER

~~((SECTION 4.03 ANALYSIS AND TESTING REQUIREMENTS~~

~~A. The requirements of Section 4.02 shall be measured in a manner which conforms with good engineering practice and is approved by the Control Officer or in accordance with modified procedures mutually agreed upon by the equipment owner or operator and the Authority. A copy of current approved test procedures shall be kept on file in the office of the Authority.~~

~~B. The Control Officer or his authorized agent may obtain from the owner or lessee of an emission source such information or analysis as will disclose the nature, extent, or quantity of degree of air contaminants which are or may be discharged by such a source, and type of nature of control equipment in use, when such information or analysis is available or reasonably capable of being assembled.~~

~~C. The Control Officer or his authorized agent may require that safe access and adequate sampling facilities be provided the Authority by the owner or lessee of an emission source to be tested. The Authority must give notice of at least fifteen (15) days to the owner of the source to be tested.))~~

REPEALER

~~((SECTION 4.04 MAXIMUM EMISSION RATE~~

~~It shall be unlawful for any person to cause or allow the discharge of particulate matter into the atmosphere from any single source which exceeds the rate of 40 pounds per hour.))~~

REPEALER

~~((ARTICLE V~~

BREAKDOWNS AND EXCEPTIONS

~~ADOPTED: September 7, 1971~~

~~REVISED: January 6, 1975))~~

REPEALER

~~((SECTION 5.01 REPORT OF BREAKDOWN~~

~~A. The owner or operator of a source which emits pollutants exceeding any of the limits established by this Regulation as a direct result of unavoidable upset conditions or unavoidable and unforeseeable breakdown of equipment or control apparatus may be exempt from penalties if:~~

~~1. The upset or breakdown is reported to the Authority on the next regular working day.~~

~~2. The owner or operator shall, upon request of the Control Officer, submit a report giving:~~

~~a. The causes,~~

~~b. The steps to be taken to repair the breakdown, and~~

~~e. A time schedule for the completion of the repairs.~~

~~B. The Control Officer on a receipt of a report (Subsection A.2.) from the owner or operator describing a breakdown may:~~

~~1. Allow continued exempt operation but only for a limited time period, after which the owner or operator will be required to comply with this Regulation or be subject to the penalties in Section 2.11 of Regulation I. An exemption~~

PERMANENT

~~granted under this Section 5.01 may be withdrawn if the exempt operation becomes a cause of complaints.~~

~~2. Require that the plant curtail or cease operations until repairs are completed if the quantity of pollutants or the nature of the pollutants could cause damage.)~~

REPEALER

((SECTION 5.02 EXCEPTION TO THIS ARTICLE

The following equipment is exempt from this Article:

~~1. Fuel burning equipment used exclusively in a dwelling serving less than five (5) families.~~

~~2. Grain elevators engaged exclusively in receiving, transferring and storing of cereal grains or legumes and not located in whole or part within a sensitive area are exempt from Section 4.01 only.~~

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

WSR 04-08-002

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed March 24, 2004, 2:47 p.m.]

Date of Adoption: March 23, 2004.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-026, 308-56A-150, and 308-56A-450.

Statutory Authority for Adoption: RCW 46.01.110, 46.16.125, 46.16.225, 46.16.276, 46.16.060, 46.16.600, 43.17.060.

Adopted under notice filed as WSR 04-04-022 on January 27, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 3, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

March 23, 2004
James A. Fellows
for Fred Stephens
Director

AMENDATORY SECTION (Amending WSR 01-17-017, filed 8/3/01, effective 9/3/01)

WAC 308-96A-026 Vehicle transit permit. (1) What is a vehicle transit permit?

A vehicle transit permit is a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete an application for a Washington certificate of ownership or registration. ~~((It does not allow unrestricted use of the vehicle.))~~ Use of the vehicle is restricted to the reason(s) indicated on the permit.

(2) How may a vehicle transit permit be used?

A vehicle transit permit may be used to obtain:

- (a) A Washington state patrol inspection;
- (b) A scale weight slip;
- (c) An emission test; or
- (d) Any other purpose that the department deems necessary.

(3) Where do I obtain a vehicle transit permit?

You may obtain a vehicle transit permit from:

- (a) Washington vehicle licensing offices; or
- (b) Washington drivers services-licensing services offices~~((or~~
- ~~(c) Washington state patrol. (Only at weigh scales and for one day only)).~~~~(())~~

(4) How long is the vehicle transit permit valid?

The permit is valid only for ~~((a maximum of two days))~~ the days shown on the permit and may not exceed two days. The two days do not need to be consecutive.

(5) What information is required to issue the vehicle transit permit?

- (a) Description of the vehicle for which the permit is issued, which may include make, model, model year, and vehicle identification number;
- (b) Name and address of person obtaining the permit;
- (c) Specific purpose for which the permit is issued;
- (d) The date or dates on which the permit is valid, for a maximum of two days;
- (e) Applicant's signature; and
- (f) Signature of vehicle licensing agent or issuing authority.

(6) How much does a vehicle transit permit cost?

There is no fee for the vehicle transit permit, however vehicle-licensing subagents ~~((may))~~ charge a service fee.

AMENDATORY SECTION (Amending WSR 03-12-006, filed 5/22/03, effective 6/22/03)

WAC 308-56A-150 Certificate of vehicle inspection.

(1) When is a certificate of vehicle inspection required? A certificate of vehicle inspection, completed by the Washington state patrol or other authorized inspector, must accompany the application for certificate of ownership and include the applicable statutory inspection fee whenever the applicant's vehicle is:

- (a) Reported destroyed since the last certificate of ownership was issued;
- (b) A homemade, assembled, or rebuilt vehicle not previously titled as such;

(c) One whose identification number needs verification as requested by the department, county auditor, or authorized agent;

~~(d) ((One with a structural change in, or modification of, body or frame changing the class designation or body type currently shown on the record;~~

(e)) A kit vehicle not previously titled as such (if no vehicle identification number (VIN) previously assigned);

~~((f)) (e) A street rod not previously titled as such;~~

~~((g)) (f) A glider kit not previously titled as such;~~

~~((h)) (g) Subject to ownership in doubt described in WAC 308-56A-210(1);~~

~~((i)) (h) One which the Washington crime information center (WACIC) or National Crime Information Center (NCIC) indicates may be stolen; or~~

~~((j)) (i) One for which the WACIC/NCIC has failed to respond to the stolen vehicle search required by chapter 46.12 RCW.~~

(2) **Is there a fee charged for a ~~(Washington state patrol) VIN inspection?~~** Yes, the amount of the fee is established in RCW 46.12.040. The fee is not due when:

(a) The out-of-state fee authorized by chapter 46.12 RCW has been collected on the same application; or

(b) The Washington state patrol or department of licensing has determined that the fee is not due.

(3) **Who is authorized to perform a vehicle inspection?** Vehicle inspections may be performed by:

(a) The Washington state patrol;

(b) Other entities or individuals designated by the director if the vehicle is located in a foreign state or country and the requirement for inspection by the Washington state patrol will cause undue hardship.

(4) **How long is a vehicle certificate of inspection valid?** The vehicle certificate of inspection is valid for the following periods of time after the inspection date:

(a) Sixty days for vehicles:

(i) Reported destroyed;

(ii) Homemade, assembled, rebuilt, street rods, kit vehicles and glider kits;

(iii) If the identification number needs verification, has been removed, defaced, altered, destroyed, illegible or missing;

~~(iv) ((With structural change in, or modification of, body or frame changing the class designation or body type;~~

~~(v) Referred for inspection for any reason not listed.~~

~~(vi)) With no Washington record or no manufacture certificate/statement of origin((/manufacture certificate of origin)) (MCO/MSO).~~

~~(v) Referred for inspection for any reason not listed.~~

~~(b) ((One year for vehicles required to be inspected under subsection (1)(a) through (j) of this section and held for sale by a licensed dealer.)) Three hundred sixty-five days for a vehicle held in inventory for resale by a licensed dealer.~~

AMENDATORY SECTION (Amending WSR 00-04-046, filed 1/27/00, effective 2/27/00)

WAC 308-56A-450 Glider kits. (1) **What is a glider kit?** A glider kit consists of a new cab, chassis, front axle, fenders and air-hose equipment designed for assembly with

an existing truck or truck-tractor's rear axle(s), and power train.

(2) **How are glider kits described on a certificate of ownership?** The following identifiers will be shown on the certificate of ownership:

(a) The model year of the vehicle as designated by the kit manufacturer or the Washington state patrol;

(b) The make of the vehicle will be the make of the kit;

(c) The series and body type will include the initials GL;

(d) The identification number of the vehicle as determined by an authorized vehicle identification inspector.

(3) **What documents ~~((shall)) must~~ be submitted with an application for certification of ownership for glider kits?** The application for certificate of ownership ~~((shall)) must~~ be accompanied by the following documents:

(a) The previously issued certificate of ownership, bill(s) of sale or manufacturer's certificate/statement of origin (MCO/MSO);

(b) The previously issued gross weight license when applying for credit against the registration fee, if applicable;

~~(c) A certificate of inspection by an authorized ((member of the Washington state patrol or other personnel authorized by the director))~~ inspector verifying the vehicle identification number and of component parts not included in the glider kit MCO/MSO;

(d) A certified weight slip showing the new scale weight of the vehicle;

(e) An MCO/MSO or bill of sale ~~((of)) for~~ the kit;

(f) A declaration of value form provided by the department.

WSR 04-08-003

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed March 24, 2004, 4:31 p.m.]

Date of Adoption: March 24, 2004.

Purpose: Amend chapter 308-127 WAC, regulating timeshares. To streamline department processes and eliminate the need for a license to be printed.

Citation of Existing Rules Affected by this Order: Amending WAC 308-127-140 Expiration and renewal of timeshare offering registration, 308-127-160 Fees, and 308-127-225 Original application, renewal, terminations, and fees for a timeshare salesperson registration.

Statutory Authority for Adoption: RCW 64.36.270, 43.24.023.

Adopted under notice filed as WSR 04-05-098 on February 18, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

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

March 24, 2004
Trudie Touchette
Administrator

AMENDATORY SECTION (Amending WSR 90-07-023, filed 3/14/90, effective 4/14/90)

WAC 308-127-140 Expiration and renewal of timeshare offering registration. A timeshare offering registration shall expire one year from the date of (~~issuance of the~~) approval for registration, or at the time the promoter sells the total number of intervals registered as available to be sold to persons residing in the state of Washington, whichever event occurs first. To continue offering the timeshare project in this state, a promoter shall file for renewal of its timeshare offering registration no later than thirty days prior to expiration of the registration. Failure to renew within six months after the renewal date shall result in the termination of the registration and all fees for an original application for registration shall apply.

AMENDATORY SECTION (Amending WSR 02-15-169, filed 7/23/02, effective 1/1/03)

WAC 308-127-160 Fees. The following fees shall be charged under the authority of RCW 64.36.081 and 43.24.086:

- (1) Registration application fees:
 - Start up timeshare program including one project. \$1500.00
 - Each additional project in program. 500.00
 - Each apartment unit in program. 50.00
 - The first unit of personal property in the timeshare program. 1000.00
 - Each additional unit of personal property in the timeshare program. 100.00
 - Businesses of listing or brokering resale intervals. 500.00
- (2) Interval Fees:
 - For each interval through one thousand. 1.00
 - Intervals beyond one thousand. 0.00
 - Each monthly filing of listings of resale intervals (in lieu of interval fees for resale intervals). 10.00

- (3) Renewal fees:
 - Timeshare program including one project. 1000.00
 - Late renewal fee for timeshare program. 2000.00
 - Each additional project to a maximum of five projects. 350.00
 - Each apartment unit - to maximum of twenty-five apartment units. 50.00
- (4) Consolidation fees:
 - Each additional project added. 500.00
 - Each additional apartment unit. 50.00
 - The first additional unit of personal property being consolidated. 500.00
 - Each additional unit of personal property added in one consolidation. 100.00
- (5) Exemption fees:
 - Programs consisting of a single apartment unit in a single project with fifty-two or fewer intervals. 250.00
 - All other types of programs. 1000.00
- (6) Impound fees:
 - Initial establishment of an impound, escrow, trust, or other arrangement requiring a depository. 500.00
 - Each required periodic report. 50.00
- (7) Advertising fees:
 - Each initial submission of advertisement whether or not submitted in a timely manner, and whether or not in use at the time of payment. 100.00
 - Examination of advertisement which are for the purpose of marketing surveys and not involving an examination of project or program instruments. 150.00
- (8) Fees for persons in the business of offering commercial promotional programs:
 - Registration of individual. 500.00

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- (9) Salespersons fees:
 - Registration. 50.00
 - Renewal. 50.00
 - Transfer. 50.00
 - ~~((Duplicate license. 25.00))~~

- (10) Fees for amendment of registration:
 - For a timely submission of an amendment filing. 50.00
 - Penalty fee for failure to file an amendment within twenty days of the occurrence of a materially adverse change. 500.00

- (11) Inspection fees:
 - Applicants and registrants shall pay the cost of inspections conducted pursuant to chapter 64.36 RCW. The inspection fees shall be paid prior to the granting of a registration or consolidation. The inspection fee shall be the actual cost to the department for conducting of the inspection.

AMENDATORY SECTION (Amending WSR 90-07-023, filed 3/14/90, effective 4/14/90)

WAC 308-127-225 Original application, renewal, termination, and fees for a timeshare salesperson registration. (1) An individual shall apply for registration as a timeshare salesperson on a form prescribed by the agency. The registration application for a timeshare salesperson shall identify the specific promoter responsible for the business activities of the salesperson and shall be valid for a period of one year (~~((beginning on the issuance date printed on the registration))~~).

(2) ~~((The registration of a timeshare salesperson shall be retained at all times by the timeshare promoter.))~~ When a timeshare salesperson ceases to be employed by a timeshare promoter the salesperson's registration shall be terminated. Written notice of this termination shall be given by the promoter to the director ~~((and this notice shall be accompanied by the timeshare salesperson's registration))~~. A terminated individual who desires to work for the same or another promoter shall apply for and receive registration as a timeshare salesperson before engaging in further timeshare sales activities.

(3) An individual may renew his timeshare salesperson registration for one year if the agency receives the individual's request and renewal fee on or before the expiration of the individual's existing registration. The effective date of the renewal shall be the anniversary date of the previous registration. If the registration is not renewed before the expiration date reregistration is required before timeshare sales activity may be continued.

(4) An application for registration or a renewal of registration is not complete unless it is accompanied by the proper fee. Payment of the fee with a check which is subsequently dishonored is a deficient application. Upon notification to the

promoter by the agency, the promoter shall ~~((return the registration and))~~ cease employment of the applicant as a timeshare salesperson.

**WSR 04-08-007
PERMANENT RULES
MILITARY DEPARTMENT**

[Filed March 25, 2004, 10:28 a.m.]

Date of Adoption: March 10, 2004.

Purpose: Expedited repeal of chapter 118-33 WAC for compliance with Title 44 C.F.R., Part 206, § 206.10 and § 206.120 as amended by Disaster Mitigation Act of 2000, Public Law 106-390, the Stafford Act.

The Disaster Mitigation Act of 2000 amended the Stafford Act and eliminated the individual and family grant program as described in chapter 118-33 WAC.

Citation of Existing Rules Affected by this Order: Repealing chapter 118-33 WAC.

Statutory Authority for Adoption: Title 44 C.F.R.

Adopted under notice filed as WSR 03-23-051 on November 14, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed [1]; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 1.

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

March 16, 2004

Timothy J. Lowenberg

Major General

The Adjutant General

**WSR 04-08-010
PERMANENT RULES
DEPARTMENT OF TRANSPORTATION**

[Filed March 25, 2004, 11:19 a.m.]

Date of Adoption: March 23, 2004.

Purpose: To add a motorcycle construction warning sign to the Washington state modifications to the Manual on Uniform Traffic Control Devices.

Citation of Existing Rules Affected by this Order: Amending chapter 468-95 WAC.

Statutory Authority for Adoption: RCW 47.36.200.

Other Authority: RCW 47.36.030.

PERMANENT

Adopted under notice filed as WSR 04-05-016 on February 9, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

March 23, 2004

John F. Conrad

Assistant Secretary

Engineering and Regional Operations

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

March 25, 2004

Mykel D. Gable

Assistant Director

AMENDATORY SECTION (Amending WSR 95-03-012, filed 1/5/95, effective 7/1/95)

WAC 308-124A-025 Application process to take examination not licensed in another jurisdiction. This section does not apply to applicants for a real estate salesperson or broker license who are actively licensed in another jurisdiction or were so licensed in the preceding six months.

(1) Any person desiring to take an examination for a real estate salesperson license, except applicants who have received clock hours in another jurisdiction, which have not been approved by the department or applicants who are requesting substitution of clock hours per WAC 308-124A-425, shall telephone the testing service up to three days prior to the desired test date to schedule and pay for an examination by cashier's check, certified check, money order, credit card, debit card, e-checks, or money voucher to the testing service approved by the department. On the day of the examination, the candidate shall submit a completed examination application together with ~~((the examination fee and))~~ any supporting documents, including evidence satisfactory to the department of having successfully completed an approved sixty clock hour fundamentals course, to the testing service approved by the department.

(2) Any person desiring to take an examination for a real estate salesperson license who received clock hours in another jurisdiction which have not been approved by the department or salesperson applicants who are requesting substitution of clock hours per WAC 308-124A-425, must submit a completed examination application with supporting documents, including evidence satisfactory to the department of having successfully completed any and all approved clock hour courses for licensure, to the real estate program of the department of licensing. After the qualifications for the examination 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 and pay for an examination by cashier's check, certified check, money order, credit card, debit card, e-checks, or money voucher to the testing service approved by the department. On the day of the examination, the candidate shall submit the verified examination application and examination fee to the testing service approved by the department.

(3) Any person desiring to take an examination for a real estate broker license, including applicants who have received clock hours in another jurisdiction which have not been approved by the departments or broker applicants who are requesting substitution of clock hours per WAC 308-124A-

NEW SECTION

WAC 468-95-315 Motorcycle construction warning signs. Pursuant to RCW 47.36.200 amend MUTCD Section 6F.15 to include motorcycle construction warning signs:

A motorcycle construction warning sign shall be diamond shaped with black letters on an orange background. The sign shall read "MOTORCYCLES USE EXTREME CAUTION."

WSR 04-08-012

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed March 25, 2004, 2:51 p.m.]

Date of Adoption: March 23, 2004.

Purpose: To allow for e-commerce in the payment of the examination fee, to allow for payment with credit card, debit card, e-checks, and vouchers. Also amends the rule to allow payment at the time of registration for the examination.

Citation of Existing Rules Affected by this Order: Amending WAC 308-124A-025 (1), (2), (3), (4) and 308-124A-440.

Statutory Authority for Adoption: RCW 18.85.040(1).

Adopted under notice filed as WSR 04-03-039 on January 15, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 2, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 2, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

425, must submit a completed examination application with supporting documents, including evidence satisfactory to the department of having successfully completed any and all approved clock hour courses for licensure, to the real estate program of the department of licensing. After the qualifications for the examination 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 and pay for an examination by cashier's check, certified check, money order, credit card, debit card, e-checks, or money voucher to the testing service approved by the department. On the day of the examination, the candidate shall submit the verified examination application and ~~((examination fee))~~ any supporting documents to the testing service approved by the department.

(4) The candidate will be 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. On the day of the examination, the candidate shall submit the verified examination application and ~~((examination fee by cashier's check, certified check, or money order to the testing service approved by the department. Cash, or personal check, will not be accepted from candidates))~~ any supporting documents to the testing service approved by the department.

(5) A candidate shall be assessed the full examination fee for any examination in which the candidate 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 WSR 93-24-096, filed 11/30/93, effective 1/1/94)

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 resubmitted.

An applicant who has failed the examination or failed to appear for a scheduled examination may apply for reexamination by telephoning the testing service to schedule and pay for an examination by cashier's check, certified check, money order, credit card, debit card, e-checks, or money voucher to the testing service approved by the department. Broker exam applicants who applied for a waiver and failed the examination must comply with the provisions of WAC 308-124A-040.

WSR 04-08-014
PERMANENT RULES
ENERGY FACILITY
SITE EVALUATION COUNCIL

[Filed March 26, 2004, 11:41 a.m.]

Date of Adoption: March 26, 2004.

Purpose: Repeal of WAC 463-06-040 Monthly meetings.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 463-06-040.

Statutory Authority for Adoption: RCW 80.50.040(1).

Adopted under notice filed as WSR 04-01-097 on December 16, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

March 26, 2004

Allen J. Fiksdal
 Manager

WSR 04-08-017
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed March 29, 2004, 9:26 a.m., effective May 1, 2004]

Date of Adoption: March 25, 2004.

Purpose: To create a more consistent notice of construction process throughout the state of Washington and to facilitate the United States Environmental Protection Agency's approval of the state implementation plan.

Citation of Existing Rules Affected by this Order:
 Repealing Sections 6.06, 6.07, and 6.08 (Regulation I); and amending Sections 1.07, 3.04, 6.03, 6.09, 9.03, 9.04, 9.08 and 12.03 (Regulation I); and Section 2.07 (Regulation III).

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 04-04-083 on February 3, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

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ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 1, 2004.

March 26, 2004

Gerry Pade

Engineer

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-09 issue of the Register.

WSR 04-08-018
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed March 29, 2004, 9:29 a.m.]

Date of Adoption: March 26, 2004.

Purpose: To correct cross-references and terms rendered incorrect by recent amendments to chapter 388-538 WAC, Managed care.

Citation of Existing Rules Affected by this Order: Amending WAC 388-542-0100, 388-542-0125, and 388-542-0500.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.450, 74.09.510, 74.09.522.

Adopted under notice filed as WSR 03-19-067 on September 12, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

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

March 26, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

WAC 388-542-0100 CHIP scope of care. (1) Children's health insurance program (CHIP) clients are eligible for the same scope of medical care as Medicaid categorically needy clients as described in WAC 388-529-0100.

(2) The medical assistance administration (MAA) requires CHIP clients, except for clients who are American

Indian or Alaska Native (AI/AN), to enroll in managed care according to WAC 388-538-060 (1)(b) through (5)(d). AI/AN clients may choose to receive services under MAA's fee-for-service system.

(3) For eligible CHIP clients who are not enrolled in managed care:

(a) MAA determines which services are medically necessary;

(b) Clients must obtain covered services from providers who have core provider agreements with MAA; and

(c) As a condition of coverage, MAA may require the service provider to obtain authorization from MAA for coverage of nonemergency services.

(4) A CHIP client enrolled in managed care may submit a ((complaint)) grievance or appeal as described in WAC 388-538-110.

(5) Any CHIP client may request a fair hearing as described in chapter 388-02 WAC for review of MAA coverage decisions. Clients may elect to participate in a prehearing review as described in WAC 388-526-2610.

AMENDATORY SECTION (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

WAC 388-542-0125 Access to care. (1) If a children's health insurance program (CHIP) client is subject to mandatory enrollment in a managed care organization (MCO) or with a primary care case management (PCCM) provider, the medical assistance administration (MAA) provides fee-for-service coverage between the time a client becomes eligible for CHIP services and the time the client is enrolled in managed care.

(2) Not all CHIP clients are required to enroll in an MCO or with a PCCM provider. The same enrollment criteria are applied to CHIP clients as to categorically needy Medicaid clients under WAC 388-538-060.

(3) If a CHIP client is not already enrolled in managed care, the client may request an exemption to mandatory enrollment under the process described in WAC ((388-538-080)) 388-538-130. MAA provides fee-for-service coverage while a client's request for exemption from mandatory enrollment in an MCO or with a PCCM provider is being considered and until a final decision is made.

(4) If a CHIP client is already enrolled in an MCO or with a PCCM provider and requests to end the enrollment, the client remains enrolled in the client's MCO or with the PCCM provider pending MAA's final decision. The process for ending enrollment is described in WAC 388-538-130.

(5) If a CHIP client has no MCO or PCCM provider available or is permitted to choose the fee-for-service system under this chapter, the rules that apply to service coverage and payment for the children's health program apply to CHIP coverage (chapters 388-550 through 388-556 WAC).

AMENDATORY SECTION (Amending WSR 02-01-075, filed 12/14/01, effective 1/14/02)

WAC 388-542-0500 Managed care rules that apply to CHIP. (1) In addition to the other rules that are incorporated by reference elsewhere in this chapter, the medical

assistance administration (MAA) applies the following rules from chapter 388-538 WAC to the CHIP program:

- (a) WAC 388-538-060, Managed care and choice, with the exception of subsection (1)(a);
- (b) WAC 388-538-070, Managed care payment;
- (c) ~~(WAC 388-538-080, Managed care exemptions;~~
- ~~(d))~~ WAC 388-538-095, Scope of care for managed care enrollees;
- ~~((e))~~ ~~(d)~~ WAC 388-538-100, Managed care emergency services;
- ~~((f))~~ ~~(e)~~ WAC 388-538-110~~((-f))~~, The grievance system for managed care (complaints, appeals and fair hearings) organizations (MCO);
- ~~((g))~~ ~~(f)~~ WAC 388-538-120, Enrollee requests for a second medical opinion;
- ~~((h))~~ ~~(g)~~ WAC 388-538-130, Exemptions and ending enrollment in (healthy options) managed care; and
- ~~((i))~~ ~~(h)~~ WAC 388-538-140, Quality of care.

WSR 04-08-021

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed March 29, 2004, 9:36 a.m.]

Date of Adoption: March 26, 2004.

Purpose: The intent of this filing is to clarify existing rules and create new rules concerning eligibility for Working Connections Child Care (WCCC). We intend for WCCC consumers to better understand the eligibility process. See below for amended and new rules adopted.

The permanent rule will replace two emergency rule filings. Emergency filings WSR 03-06-045, 03-14-061, 03-22-005 and 04-05-079 repealing WAC 388-290-0210 and amending WAC 388-290-0075, 388-290-0085, and 388-290-0190 have been in effect since March 1, 2003. Emergency filings WSR 03-12-026, 03-20-050 and 04-04-030, amending WAC 388-290-0130 have been in effect since June 2, 2003.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-290-0080 and 388-290-0210; amending WAC 388-290-0001 What is the purpose of the working connections child care program?, 388-290-0005 Who is considered a consumer for the WCCC program?, 388-290-0010 What makes me eligible for WCCC benefits?, WAC 388-290-0015 How does the WCCC program determine my family size for eligibility?, 388-290-0020 Are there special circumstances that might affect my WCCC eligibility?, 388-290-0025 What rights do I have when I apply for or receive WCCC benefits?, 388-290-0030 What responsibilities do I have when I apply for or receive WCCC benefits?, 388-290-0035 What responsibilities does the WCCC program staff have?, 388-290-0040 If I receive a temporary assistance for needy families (TANF) grant, what activities must I be involved in to be eligible for WCCC benefits?, 388-290-0045 If I don't get a temporary assistance for needy families (TANF) grant, what activities must I be involved in to be eligible for WCCC benefits?, 388-290-0050 If I am self-

employed, can I get WCCC benefits?, 388-290-0055 If I am not working or in an approved activity right now, can I get WCCC benefits?, 388-290-0060 What income ~~((is counted))~~ does the WCCC program count when determining ~~((WCCC))~~ eligibility and copayments?, 388-290-0065 How does the WCCC program define and use my income?, 388-290-0070 What income types and deductions ~~((are not counted))~~ does the WCCC program disregard when figuring my income eligibility and for WCCC benefits?, 388-290-0075 What ~~((are the))~~ steps does the WCCC program ~~((takes))~~ take to determine my family's WCCC eligibility and copayment amount?, 388-290-0085 When might my WCCC copayment change?, 388-290-0090 When do I pay the minimum copayment?, 388-290-0095 If I receive temporary assistance for needy families (TANF) and I am determined eligible for WCCC, when do my benefits begin?, 388-290-0100 If I do not receive temporary assistance for needy families (TANF) and I am determined eligible for WCCC, when do my benefits begin?, 388-290-0105 ~~((What is the process for my))~~ How do I reapply for WCCC ((review for reauthorization of my WCCC benefits)) when my eligibility period is ending?, 388-290-0110 What circumstances might affect my ~~((on-going))~~ eligibility for ~~((the))~~ WCCC benefits and when might I be eligible again?, 388-290-0120 When doesn't advance and adequate notice of payment changes apply to me?, 388-290-0125 What child care providers can I choose under the WCCC program?, 388-290-0130 What in-home/relative providers can I choose under the WCCC program?, 388-290-0135 When I choose an in-home/relative provider, what information must I submit to receive WCCC benefits?, 388-290-0140 When does the WCCC program not pay for the cost of in-home/relative child care?, 388-290-0143 Who must have a background check for the WCCC program and how often is the check done?, 388-290-0145 Why is a background check required and will I be notified of the results?, 388-290-0150 What information ~~((is included in))~~ does the background check contain and where does it come from?, 388-290-0155 What happens after ~~((we receive))~~ the WCCC program receives the background information?, 388-290-0160 What convictions would cause the WCCC program to permanently disqualify my in-home/relative provider ~~((from being authorized by us))~~?, 388-290-0165 Is there other background information or convictions that will disqualify my in-home/relative provider?, 388-290-0167 What happens if my in-home/relative provider, who provides care in their home, is disqualified based solely on the disqualifying background of an individual living with that provider?, 388-290-0180 When are the WCCC program subsidy rates in this chapter effective?, 388-290-0190 What does the WCCC program pay for and when can the program pay more?, 388-290-0200 What daily rates does DSHS pay for child care in a licensed or certified child care center or DSHS contracted seasonal day camps?, 388-290-0205 What daily rates does DSHS pay for child care in a licensed or certified family home child care ~~((home))~~?, 388-290-0220 How does DSHS determine that my child qualifies for a special needs daily rate?, 388-290-0225 What is the ~~((DSHS child care))~~ additional subsidy daily rate for children with special needs in a licensed or certified child care center or DSHS contracted seasonal day camp?, 388-290-0230 What is the ~~((DSHS child care))~~ addi-

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tional subsidy daily rate for children with special needs in a licensed or certified family home child care ((~~home~~)), 388-290-0235 What is the DSHS in-home/relative child care daily rate for children with special needs?, 388-290-0245 When can the WCCC program authorize payment of fees for registration?, 388-290-0250 When can WCCC pay a bonus for enrolling an infant?, 388-290-0255 When can the WCCC program establish a protective payee to pay my in-home/relative provider?, 388-290-0260 Do I have the right to ask for a hearing about my WCCC benefits and how do I ask for one?, 388-290-0265 When can I get WCCC benefits pending the outcome of a hearing? and 388-290-0270 What is a WCCC overpayment and ((~~when might I have one~~)) what can be included?; and new sections WAC 388-290-0012 When do I need to verify information?, 388-290-0031 What changes do I need to report when I apply for or receive WCCC?, 388-290-0032 What are the consequences if I do not report changes within the specified time-lines?, 388-290-0082 When I am approved, how long is my eligibility period?, 388-290-0107 When do I receive a denial letter?, 388-290-0108 What happens if I meet eligibility requirements after I receive a denial letter?, 388-290-0247 When can the WCCC program authorize payment for field trips fees?, 388-290-0271 When might I be assessed an overpayment?, and 388-290-0273 When would my provider be assessed an overpayment?.

Statutory Authority for Adoption: RCW 74.04.050 and 74.12.340.

Other Authority: RCW 74.13.085, chapter 25, Laws of 2003 1st sp.s.

Adopted under notice filed as WSR 04-02-047 on January 5, 2004.

Changes Other than Editing from Proposed to Adopted Version: The following changes were made as a result of comments received and to provide clarity:

Rules as proposed (added language underlined; deleted language struck through)	Changes in the adopted version of the rules:
<p>WAC 388-290-0012</p> <p>(4) You must give us the verification within the time limits described in WAC 388-406-0030(1).</p>	<p>Removed subsection (4) and renumbered the remaining sections accordingly.</p>
<p>WAC 388-290-0015</p> <p><u>For children to be included in the household, they must meet the age requirements in subsection (2) of this section and in WAC 388-290-0020(2). Once we verify the children's eligibility,</u></p>	<p>Removed.</p>

Rules as proposed (added language underlined; deleted language struck through)	Changes in the adopted version of the rules:
<p>WAC 388-290-0020</p> <p>(i) "Able" means physically and mentally capable of caring for a child in a responsible manner. <u>If you claim one parent is unable to care for the children, you must provide written documentation from a licensed professional (see WAC 388-448-0020(1) and (2)) that states the:</u></p>	<p>Changed WAC reference to include all of WAC 388-448-0020.</p>
<p>WAC 388-290-0030</p> <p>(4) Leave your children with your provider only for approved activities or arrange to pay the provider yourself, as the provider requires, for care while you are engaged in unapproved activities.</p> <p>(5) Keep ((and provide when requested;)) attendance records. Records must be:</p> <p>(a) Accurate ((attendance records when you choose in-home/relative child care;</p> <p>(5)); (b) <u>Provided when requested; and</u></p> <p>(c) <u>Kept for one year after care has been provided.</u></p>	<p>Removed the word "only."</p> <p>(5) Keep ((and provide when requested;)) attendance records when you choose in-home/relative child care. Records must be:</p> <p>(a) Accurate ((attendance records when you choose in-home/relative child care;</p> <p>(5)); (b) <u>Provided when requested; and</u></p> <p>(c) <u>Kept for one year after care has been provided.</u></p>
<p>WAC 388-290-0032</p> <p>(4) Receiving an overpayment for absent days the licensed/certified or DSHS seasonal contracted day care provider is allowed to bill (see publication <i>Child Care Subsidies, A Booklet for Licensed and Certified Child Care Providers</i>, DSHS 22-877).</p>	<p>(4) Receiving an overpayment for <u>the number of days your child was absent ((days)) above the absences</u> the licensed/certified or DSHS seasonal contracted day care provider is allowed to bill (see publication <i>Child Care Subsidies, A Booklet for Licensed and Certified Child Care Providers</i>, DSHS 22-877).</p>

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Rules as proposed (added language underlined; deleted language struck through)	Changes in the adopted version of the rules:
<p>WAC 388-290-0065</p> <p><u>(2) Parts or all of your income (earned or unearned) may be determined by averaging. If your income decreases during your eligibility, we recalculate your average income only if the average drops one hundred dollars below the lowest income amount used for two months. The change is effective the first day of the third month.</u></p>	<p>Removed this subsection and renumbered the rest accordingly.</p>
<p>WAC 388-290-0070</p> <p>(e) Diversion cash assistance and the early exit bonus;</p>	<p>Removed, there is no longer any exit bonus for TANF.</p>
<p>WAC 388-290-0100</p> <p>(2) Your application date is whichever is earlier:</p> <p>(a) The date your application is date stamped as received; or</p> <p>(b) The date your application is entered into our automated system as received.</p>	<p>(2) Your application date is whichever is earlier:</p> <p>(a) ((The date your application is date stamped as received; or</p> <p>(b))) The date your application is entered into our automated system ((as received)); or</p> <p><u>(b) The date your application is date stamped as received.</u></p>
<p>WAC 388-290-0105</p> <p>(b) Do not receive TANF, your benefit begin date is the date your:</p> <p>(i) Application is date stamped as received or entered into our automated system as received;</p>	<p>(b) Do not receive TANF, your benefit begin date is the date your:</p> <p>(i) Application is date stamped as received or entered into our automated system ((as received));</p>
<p>WAC 388-290-0125</p> <p>(1) Licensed as required by chapter 74.15 RCW;</p> <p><u>(6) You may choose to have up to one back up provider for any one-time period.</u></p>	<p>(1) Licensed as required by chapter 74.15 RCW <u>and chapters 388-155, 388-295, or 388-151 WAC;</u></p> <p>Removed subsection (6) as repeated elsewhere</p>

Rules as proposed (added language underlined; deleted language struck through)	Changes in the adopted version of the rules:
<p>WAC 388-290-0130</p> <p><u>(3) If you use an in-home/relative provider you can:</u></p> <p><u>(a) Have no more than one in-home/relative provider authorized for payment during your eligibility period;</u></p> <p><u>(c) Change to a different in-home/relative provider during your eligibility period. Payment for the current in-home/relative provider would end before payment for the new provider could begin.</u></p> <p><u>(4) An in-home/relative provider can care for:</u></p> <p><u>(a) One consumer's children during any one-time period. If the provider is an approved provider for another consumer, the hours they provide care for all WCCC consumers must not overlap; and</u></p> <p><u>(b) Up to a maximum of six children during any one-time period.</u></p> <p><u>(5) An in-home/relative provider is not an eligible provider (under WAC 388-290-0095 and 388-290-0100) anytime prior to the date we receive the results of all applicable criminal background checks under WAC 388-290-0143(1).</u></p>	<p><u>(3) If you use an in-home/relative provider you can:</u></p> <p><u>(a) Have no more than two in-home/relative providers authorized for payment during your eligibility period (not including back-up providers);</u></p> <p><u>(c) Change to a different in-home/relative provider during your eligibility period.</u></p> <p><u>(4) An in-home/relative provider can care for up to a maximum of six children during any one time period.</u></p> <p>Added reference to WAC 388-290-0150 for further clarification.</p>

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Rules as proposed (added language underlined; deleted language struck through)	Changes in the adopted version of the rules:
<p>WAC 388-290-0160</p> <p>(1) ((b)) has a background containing ((the following felony convictions, the provider is)) <u>any conviction posted on the DSHS secretary's list of disqualifying convictions for ESA, we permanently</u> ((disqualified)) <u>disqualify the person</u> as an in-home/relative child care provider for WCCC(=</p>	<p>(1) ((b)) has a background containing ((the following felony convictions, the provider is)) <u>a permanently disqualifying conviction posted on the DSHS secretary's list of disqualifying convictions for ESA, we permanently</u> ((disqualified)) <u>disqualify the person</u> as an in-home/relative child care provider for WCCC(=</p>
<p>WAC 388-290-0165</p> <p>(2) If an individual being checked ((as)) <u>has</u> a background containing ((the following crimes within the last five years)) <u>any conviction posted on the DSHS secretary's list of disqualifying convictions for ESA,</u> your provider is disqualified as an in-home/relative child care provider for WCCC(=</p> <p>(3)(b) A conviction other than those listed in WAC 388-290-0160 or subsection (2) ((a) through (e)) of this section, we ((will)) allow you to determine the provider's character, suitability, and competence by reviewing <u>important information such as the:</u></p>	<p>(2) If an individual being checked ((as)) <u>has</u> a background containing ((the following crimes within the last five years)) <u>a five-year disqualifying conviction posted on the DSHS secretary's list of disqualifying convictions for ESA,</u> your provider is disqualified as an in-home/relative child care provider for WCCC(=</p> <p>(b) ((A)) <u>Any</u> conviction other than those ((listed in WAC 388-290-0160 or subsection (2)(a) through (e) of this section, we will)) <u>posted on the DSHS secretary's list of disqualifying convictions for ESA we will</u> allow you to determine the provider's character, suitability, and competence by reviewing <u>important information such as the:</u></p>
<p>WAC 388-290-0200</p>	<p>Added</p> <p><u>(3) If the center provider cares for a child who is thirteen or older, the provider must have a child-specific and time-limited waiver and the child must meet the special needs requirement according to WAC 388-290-0220.</u></p>

Rules as proposed (added language underlined; deleted language struck through)	Changes in the adopted version of the rules:
<p>WAC 388-290-0273</p> <p>(b) The provider does not have attendance records that support the billing (refer to WAC 388-295-7030, 388-155-460, and 388-151-460</p>	<p>(b) The provider does not have attendance records that comply with licensing requirements (refer to WAC 388-295-7030, 388-155-460, and 388-151-460</p>

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 9, Amended 45, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 9, Amended 48, Repealed 2.

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

March 26, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-10 issue of the Register.

**WSR 04-08-025
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-63—Filed March 29, 2004, 2:55 p.m.]

Date of Adoption: March 25, 2004.

Purpose: Amend direct retail sales rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-20-080.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 03-19-109 on September 16, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

March 25, 2004

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 03-32, filed 2/18/03, effective 3/21/03)

WAC 220-20-080 Sale under a direct retail endorsement. It is unlawful for any fisher selling salmon, sturgeon or Dungeness crab taken by that fisher under a direct retail endorsement, or for a wholesale dealer accepting salmon, sturgeon or crab from such a fisher, to fail to comply with the requirements of this section.

(1) A direct retail endorsement will not be issued to a licensee who is other than a natural person (~~and, after 2002, will only be issued upon renewal of a qualifying license~~). Applicants for the endorsement must present a letter from the county health department of the fisher's county of residence certifying that the methods used by the fisher for transport, storage and display of product meet the county and statewide standards for food service operations. If the fisher is landing product from a documented vessel, the letter may be from the county health department of the hailing port of the vessel. Additionally, applicants must present a valid food and beverage service worker's permit at the time of application, and pay the direct retail administrative cost of fifty dollars. The health department letter, permit, and administrative cost are required for each application or renewal for a direct retail endorsement.

(2) Any fisher who offers salmon, sturgeon or crab for retail sale must complete a fish receiving ticket for all salmon, sturgeon or crab aboard the harvesting vessel before the product is offered for retail sale, except if the salmon, sturgeon or crab are being offered for sale directly off the catcher vessel, the fisher may complete the ticket with an estimated number or weight. At the completion of the retail activity, the fisher who has completed a ticket with an estimated number or weight is required to enter the actual number and weight of salmon, sturgeon or crab that were sold at retail. The price shown on the fish receiving ticket must be the actual sale price of the salmon, sturgeon or crab.

(3) Any fisher selling salmon, sturgeon or crab at retail (~~which salmon or crab are~~) if the product is taken from an area under the quick reporting requirements of WAC 220-69-240, is required to comply with the quick reporting requirement.

(4) (~~Salmon~~) Sturgeon and crab offered for retail sale must be landed in the round. Salmon may (~~not~~) be cleaned or headed (~~until the fish ticket documenting the~~) but not steaked or filleted prior to landing (is completed).

(5) In order to allow inspection and sampling, each fisher offering salmon, sturgeon or crab for retail sale at any location other than the harvesting vessel or, if from the harvesting vessel, in an amount having a retail value greater than one hundred fifty dollars must notify the department (~~(twenty-four)~~) eighteen hours prior to sale and identify the location of the fisher's vessel, temporary food service establishment (~~(except if the temporary food service establishment is in a county that did not issue the health certification letter, forty-eight hour notice is required)~~) or restaurant or other business which prepares and sells food at retail to which the fisher is selling the salmon, sturgeon or crab. The only acceptable notification is by telephone to 360-902-2936, fax to 902-2155, or e-mail to enforcement-web@dfw.wa.gov.

(6) (~~Salmon or Dungeness crab sold under a retail sale endorsement may only be sold to a consumer. Sale is not allowed to any person who will resell the product, such as a restaurant. Dungeness crab must be sold uncooked.~~

(7)) Each fisher offering salmon, sturgeon or crab for retail sale must maintain a sequentially numbered receipt book, which receipt book contains a receipt duplicate copy, and must give each purchaser of salmon, sturgeon or crab a receipt showing the number, weight and value of salmon, sturgeon or crab sold to that purchaser. The duplicate receipts must be retained by the seller for one year.

(~~(8)~~) (7) If salmon, sturgeon or crab offered for retail sale and documented on a fish receiving ticket are subsequently sold to a licensed wholesale dealer, the sale must be documented by a sale receipt, not a fish receiving ticket, and it is the responsibility of the wholesale dealer to maintain the product separately, until the product is resold or processed.

(~~(9)~~) (8) Violations of (~~subsections (2), (3), (7), and (8) of~~) this section are punishable under RCW 77.15.640, Wholesale fish buying and dealing—Rules violations.

(~~(10)~~) Violations of subsections (4), (5), and (6) of this section are punishable under RCW 77.15.540.)

WSR 04-08-040

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed March 30, 2004, 4:39 p.m., effective May 1, 2004]

Date of Adoption: March 30, 2004.

Purpose: These rules govern the evidence-based prescription drug program at L&I and are necessary to implement SB 6088 (chapter 29, Laws of 2003). Pursuant to RCW 70.14.050 the agencies shall adopt rules governing practitioner endorsement and use of any list developed as part of the program authorized by this section.

Citation of Existing Rules Affected by this Order: Amending WAC 296-20-01002, 296-20-02704, 296-20-02705, 296-20-03011, and 296-20-03012.

Statutory Authority for Adoption: RCW 51.04.020, 70.14.050.

Adopted under notice filed as WSR 04-03-082 on January 20, 2004.

Changes Other than Editing from Proposed to Adopted Version: The department removed one example from WAC 296-20-03012, that contained the brand name drug, oxycontin, that could become obsolete in the future.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 5, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 0.

Effective Date of Rule: May 1, 2004.

March 30, 2004

Paul Trause

Director

AMENDATORY SECTION (Amending WSR 03-21-069, filed 10/14/03, effective 12/1/03)

WAC 296-20-01002 Definitions. Acceptance, accepted condition: Determination by a qualified representative of the department or self-insurer that reimbursement for the diagnosis and curative or rehabilitative treatment of a claimant's medical condition is the responsibility of the department or self-insurer. The condition being accepted must be specified by one or more diagnosis codes from the current edition of the International Classification of Diseases, Clinically Modified (ICD-CM).

Appointing authority: For the evidence-based prescription drug program of the participating agencies in the state purchased health care programs, appointing authority shall mean the following persons acting jointly: The administrator of the health care authority, the secretary of the department of social and health services, and the director of the department of labor and industries.

Attendant care: Those proper and necessary personal care services provided to maintain the worker in his or her residence. Refer to WAC 296-20-303 for more information.

Attending doctor report: This type of report may also be referred to as a "60 day" or "special" report. The following information must be included in this type of report. Also, additional information may be requested by the department as needed.

(1) The condition(s) diagnosed including ICD-9-CM codes and the objective and subjective findings.

(2) Their relationship, if any, to the industrial injury or exposure.

(3) Outline of proposed treatment program, its length, components, and expected prognosis including an estimate of when treatment should be concluded and condition(s) stable. An estimated return to work date should be included. The

probability, if any, of permanent partial disability resulting from industrial conditions should be noted.

(4) If the worker has not returned to work, the attending doctor should indicate whether a vocational assessment will be necessary to evaluate the worker's ability to return to work and why.

(5) If the worker has not returned to work, a doctor's estimate of physical capacities should be included with the report. If further information regarding physical capacities is needed or required, a performance-based physical capacities evaluation can be requested. Performance-based physical capacities evaluations should be conducted by a licensed occupational therapist or a licensed physical therapist. Performance-based physical capacities evaluations may also be conducted by other qualified professionals who provided performance-based physical capacities evaluations to the department prior to May 20, 1987, and who have received written approval to continue supplying this service based on formal department review of their qualifications.

Authorization: Notification by a qualified representative of the department or self-insurer that specific proper and necessary treatment, services, or equipment provided for the diagnosis and curative or rehabilitative treatment of an accepted condition will be reimbursed by the department or self-insurer.

Average wholesale price (AWP): A pharmacy reimbursement formula by which the pharmacist is reimbursed for the cost of the product plus a mark-up. The AWP is an industry benchmark which is developed independently by companies that specifically monitor drug pricing.

Baseline price (BLP): Is derived by calculating the mean average for all NDC's (National Drug Code) in a specific product group, determining the standard deviation, and calculating a new mean average using all prices within one standard deviation of the original mean average. "Baseline price" is a drug pricing mechanism developed and updated by First Data Bank.

Bundled codes: When a bundled code is covered, payment for them is subsumed by the payment for the codes or services to which they are incident. (An example is a telephone call from a hospital nurse regarding care of a patient. This service is not separately payable because it is included in the payment for other services such as hospital visits.) Bundled codes and services are identified in the fee schedules.

By report: BR (by report) in the value column of the fee schedules indicates that the value of this service is to be determined by report (BR) because the service is too unusual, variable or new to be assigned a unit value. The report shall provide an adequate definition or description of the services or procedures that explain why the services or procedures (e.g., operative, medical, radiological, laboratory, pathology, or other similar service report) are too unusual, variable, or complex to be assigned a relative value unit, using any of the following as indicated:

(1) Diagnosis;

(2) Size, location and number of lesion(s) or procedure(s) where appropriate;

(3) Surgical procedure(s) and supplementary procedure(s);

- (4) Whenever possible, list the nearest similar procedure by number according to the fee schedules;
- (5) Estimated follow-up;
- (6) Operative time;
- (7) Describe in detail any service rendered and billed using an "unlisted" procedure code.

The department or self-insurer may adjust BR procedures when such action is indicated.

Chart notes: This type of documentation may also be referred to as "office" or "progress" notes. Providers must maintain charts and records in order to support and justify the services provided. "Chart" means a compendium of medical records on an individual patient. "Record" means dated reports supporting bills submitted to the department or self-insurer for medical services provided in an office, nursing facility, hospital, outpatient, emergency room, or other place of service. Records of service shall be entered in a chronological order by the practitioner who rendered the service. For reimbursement purposes, such records shall be legible, and shall include, but are not limited to:

- (1) Date(s) of service;
- (2) Patient's name and date of birth;
- (3) Claim number;
- (4) Name and title of the person performing the service;
- (5) Chief complaint or reason for each visit;
- (6) Pertinent medical history;
- (7) Pertinent findings on examination;
- (8) Medications and/or equipment/supplies prescribed or provided;
- (9) Description of treatment (when applicable);
- (10) Recommendations for additional treatments, procedures, or consultations;
- (11) X rays, tests, and results; and
- (12) Plan of treatment/care/outcome.

Consultation examination report: The following information must be included in this type of report. Additional information may be requested by the department as needed.

- (1) A detailed history to establish:
 - (a) The type and severity of the industrial injury or occupational disease.
 - (b) The patient's previous physical and mental health.
 - (c) Any social and emotional factors which may effect recovery.
- (2) A comparison history between history provided by attending doctor and injured worker, must be provided with exam.
- (3) A detailed physical examination concerning all systems affected by the industrial accident.
- (4) A general physical examination sufficient to demonstrate any preexisting impairments of function or concurrent condition.
- (5) A complete diagnosis of all pathological conditions including ICD-9-CM codes found to be listed:
 - (a) Due solely to injury.
 - (b) Preexisting condition aggravated by the injury and the extent of aggravation.
 - (c) Other medical conditions neither related to nor aggravated by the injury but which may retard recovery.

(d) Coexisting disease (arthritis, congenital deformities, heart disease, etc.).

(6) Conclusions must include:

(a) Type of treatment recommended for each pathological condition and the probable duration of treatment.

(b) Expected degree of recovery from the industrial condition.

(c) Probability, if any, of permanent disability resulting from the industrial condition.

(d) Probability of returning to work.

(7) Reports of necessary, reasonable X-ray and laboratory studies to establish or confirm the diagnosis when indicated.

Doctor: For these rules, means a person licensed to practice one or more of the following professions: Medicine and surgery; osteopathic medicine and surgery; chiropractic; naturopathic physician; podiatry; dentistry; optometry.

Only those persons so licensed may sign report of accident forms and certify time loss compensation except as provided in chapter 296-20 WAC.

Emergent hospital admission: Placement of the worker in an acute care hospital for treatment of a work related medical condition of an unforeseen or rapidly progressing nature which if not treated in an inpatient setting, is likely to jeopardize the workers health or treatment outcome.

Endorsing practitioner: A practitioner who has reviewed the preferred drug list and has notified the health care authority that he or she has agreed to allow therapeutic interchange of a preferred drug for any nonpreferred drug in a given therapeutic class.

Fatal: When the attending doctor has reason to believe a worker has died as a result of an industrial injury or exposure, the doctor should notify the nearest department service location or the self-insurer immediately. Often an autopsy is required by the department or self-insurer. If so, it will be authorized by the service location manager or the self-insurer. Benefits payable include burial stipend and monthly payments to the surviving spouse and/or dependents.

Fee schedules or maximum fee schedule(s): The fee schedules consist of, but are not limited to, the following:

(a) Health Care Common Procedure Coding System Level I and II Codes, descriptions and modifiers that describe medical and other services, supplies and materials.

(b) Codes, descriptions and modifiers developed by the department.

(c) Relative value units (RVUs), calculated or assigned dollar values, percent-of-allowed-charges (POAC), or diagnostic related groups (DRGs), that set the maximum allowable fee for services rendered.

(d) Billing instructions or policies relating to the submission of bills by providers and the payment of bills by the department or self-insurer.

(e) Average wholesale price (AWP), baseline price (BLP), and policies related to the purchase of medications.

Health services provider or provider: For these rules means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of services related to the treatment of an industrially injured worker. It includes, but is not limited to, hospitals, medical doctors, dentists, chiropractors, vocational rehabili-

tation counselors, osteopathic physicians, pharmacists, podiatrists, physical therapists, occupational therapists, massage therapists, psychologists, naturopathic physicians, and durable medical equipment dealers.

Home nursing: Those nursing services that are proper and necessary to maintain the worker in his or her residence. These services must be provided through an agency licensed, certified or registered to provide home care, home health or hospice services. Refer to WAC 296-20-091 for more information.

Independent or separate procedure: Certain of the fee schedule's listed procedures are commonly carried out as an integral part of a total service, and as such do not warrant a separate charge. When such a procedure is carried out as a separate entity, not immediately related to other services, the indicated value for "independent procedure" is applicable.

Medical aid rules: The Washington Administrative Codes (WACs) that contain the administrative rules for medical and other services rendered to workers.

Modified work status: The worker is not able to return to their previous work, but is physically capable of carrying out work of a lighter nature. Workers should be urged to return to modified work as soon as reasonable as such work is frequently beneficial for body conditioning and regaining self confidence.

Under RCW 51.32.090, when the employer has modified work available for the worker, the employer must furnish the doctor and the worker with a statement describing the available work in terms that will enable the doctor to relate the physical activities of the job to the worker's physical limitations and capabilities. The doctor shall then determine whether the worker is physically able to perform the work described. The employer may not increase the physical requirements of the job without requesting the opinion of the doctor as to the worker's ability to perform such additional work. If after a trial period of reemployment the worker is unable to continue with such work, the worker's time loss compensation will be resumed upon certification by the attending doctor.

If the employer has no modified work available, the department should be notified immediately, so vocational assessment can be conducted to determine whether the worker will require assistance in returning to work.

Nonemergent (elective) hospital admission: Placement of the worker in an acute care hospital for medical treatment of an accepted condition which may be safely scheduled in advance without jeopardizing the worker's health or treatment outcome.

Physician: For these rules, means any person licensed to perform one or more of the following professions: Medicine and surgery; or osteopathic medicine and surgery.

Practitioner: For these rules, means any person defined as a "doctor" under these rules, or licensed to practice one or more of the following professions: Audiology; physical therapy; occupational therapy; pharmacy; prosthetics; orthotics; psychology; nursing; physician or osteopathic assistant; and massage therapy.

Preferred drug list: The list of drugs selected by the appointing authority to be used by applicable state agencies

as the basis for the purchase of drugs in state purchased health care programs.

Proper and necessary:

(1) The department or self-insurer pays for proper and necessary health care services that are related to the diagnosis and treatment of an accepted condition.

(2) Under the Industrial Insurance Act, "proper and necessary" refers to those health care services which are:

(a) Reflective of accepted standards of good practice, within the scope of practice of the provider's license or certification;

(b) Curative or rehabilitative. Care must be of a type to cure the effects of a work-related injury or illness, or it must be rehabilitative. Curative treatment produces permanent changes, which eliminate or lessen the clinical effects of an accepted condition. Rehabilitative treatment allows an injured or ill worker to regain functional activity in the presence of an interfering accepted condition. Curative and rehabilitative care produce long-term changes;

(c) Not delivered primarily for the convenience of the claimant, the claimant's attending doctor, or any other provider; and

(d) Provided at the least cost and in the least intensive setting of care consistent with the other provisions of this definition.

(3) The department or self-insurer stops payment for health care services once a worker reaches a state of maximum medical improvement. Maximum medical improvement occurs when no fundamental or marked change in an accepted condition can be expected, with or without treatment. Maximum medical improvement may be present though there may be fluctuations in levels of pain and function. A worker's condition may have reached maximum medical improvement though it might be expected to improve or deteriorate with the passage of time. Once a worker's condition has reached maximum medical improvement, treatment that results only in temporary or transient changes is not proper and necessary. "Maximum medical improvement" is equivalent to "fixed and stable."

(4) In no case shall services which are inappropriate to the accepted condition or which present hazards in excess of the expected medical benefits be considered proper and necessary. Services that are controversial, obsolete, investigational or experimental are presumed not to be proper and necessary, and shall be authorized only as provided in WAC 296-20-03002(6) and 296-20-02850.

Refill: The continuation of therapy with the same drug (including the renewal of a previous prescription or adjustments in dosage) when a prescription is for an antipsychotic, antidepressant, chemotherapy, antiretroviral or immunosuppressive drug.

Regular work status: The injured worker is physically capable of returning to his/her regular work. It is the duty of the attending doctor to notify the worker and the department or self-insurer, as the case may be, of the specific date of release to return to regular work. Compensation will be terminated on the release date. Further treatment can be allowed as requested by the attending doctor if the condition is not stationary and such treatment is needed and otherwise in order.

Temporary partial disability: Partial time loss compensation may be paid when the worker can return to work on a limited basis or return to a lesser paying job is necessitated by the accepted injury or condition. The worker must have a reduction in wages of more than five percent before consideration of partial time loss can be made. No partial time loss compensation can be paid after the worker's condition is stationary. **All time loss compensation must be certified by the attending doctor based on objective findings.**

Termination of treatment: When treatment is no longer required and/or the industrial condition is stabilized, a report indicating the date of stabilization should be submitted to the department or self-insurer. This is necessary to initiate closure of the industrial claim. The patient may require continued treatment for conditions not related to the industrial condition; however, financial responsibility for such care must be the patient's.

Therapeutic alternative: Drug products of different chemical structure within the same pharmacologic or therapeutic class and that are expected to have similar therapeutic effects and safety profiles when administered in therapeutically equivalent doses.

Therapeutic interchange: To dispense with the endorsing practitioner's authorization, a therapeutic alternative to the prescribed drug.

Total permanent disability: Loss of both legs or arms, or one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the worker from performing any work at any gainful employment. When the attending doctor feels a worker may be totally and permanently disabled, the attending doctor should communicate this information immediately to the department or self-insurer. A vocational evaluation and an independent rating of disability may be arranged by the department prior to a determination as to total permanent disability. Coverage for treatment does not usually continue after the date an injured worker is placed on pension.

Total temporary disability: Full-time loss compensation will be paid when the worker is unable to return to any type of reasonably continuous gainful employment as a direct result of an accepted industrial injury or exposure.

Unusual or unlisted procedure: Value of unlisted services or procedures should be substantiated "by report" (BR).

Utilization review: The assessment of a claimant's medical care to assure that it is proper and necessary and of good quality. This assessment typically considers the appropriateness of the place of care, level of care, and the duration, frequency or quantity of services provided in relation to the accepted condition being treated.

AMENDATORY SECTION (Amending WSR 00-01-037, filed 12/7/99, effective 1/8/00)

WAC 296-20-02704 What criteria does the director or director's designee use to make medical coverage decisions? (1) In making medical coverage decisions, the director or the director's designee considers information from a variety of sources. These sources include, but are not limited to:

- Scientific evidence;
- National and community-based opinions;

- Informal syntheses of provider opinion;
- Experience of the department and other entities;
- Regulatory status.

Because of the unique nature of each health care service, the type, quantity and quality of the information available for review may vary. The director or director's designee weighs the quality of the available evidence in making medical coverage decisions.

(2) Scientific evidence.

(a) "Scientific evidence" includes reports and studies published in peer-reviewed scientific and clinical literature. The director or the director's designee will consider the nature and quality of the study, its methodology and rigorosity of design, as well as the quality of the journal in which the study was published.

- For treatment services, studies addressing safety, efficacy, and effectiveness of the treatment or procedure for its intended use will be considered.

- For diagnostic devices or procedures, studies addressing safety, technical capacity, accuracy or utility of the device or procedure for its intended use will be considered.

(b) The greatest weight will be given to the most rigorously designed studies and on those well-designed studies that are reproducible. The strength of the design will depend on such scientifically accepted methodological principles as randomization, blinding, appropriateness of outcomes, spectrum of cases and controls, appropriate power to detect differences, magnitude and significance of effect. Additional consideration will be given to those studies that focus on sustained health and functional outcomes of workers with occupational conditions rather than unsustained clinical improvements.

(3) National and community-based opinion.

(a) "National opinion" includes, but is not limited to, syntheses of clinical issues that may take the form of published reports in the scientific literature, national consensus documents, formalized documents addressing standards of practice, practice parameters from professional societies or commissions, and technology assessments produced by independent evidence-based practice centers.

The director or the director's designee will consider the nature and quality of the process used to reach consensus or produce the synthesis of expert opinion. This consideration will include, but may not be limited to, the qualifications of participants, potential biases of sponsoring organizations, the inclusion of graded scientific information in the deliberations, the explicit nature of the document, and the processes used for broader review.

(b) "Community-based opinion" refers to advice and recommendations of formal committees made up of clinical providers within the state of Washington. As appropriate to the subject matter, this may include recommendations from the department's formal advisory committees:

- The industrial insurance and rehabilitation committee of the Washington State Medical Association, which includes a representative from the Washington Osteopathic Medical Association;

- The chiropractic advisory committee.

- The Washington state pharmacy and therapeutics committee.

(4) "Informal syntheses of provider opinion" includes, but is not limited to, professional opinion surveys.

(5) Experience of the department and other entities.

The director or director's designee may consider data from a variety of sources including the department, other state agencies, federal agencies and other insurers regarding studies, experience and practice with past coverage. Examples of these include, but are not limited to, formal outcome studies, cost-benefit analyses, and adverse event, morbidity or mortality data.

(6) Regulatory status.

The director or director's designee will consider related licensing and approval processes of other state and federal regulatory agencies. This includes, but is not limited to:

- The federal food and drug administration's (FDA) regulation of drugs and medical devices (21 U.S.C. 301 et seq. and 21 CFR Chapter 1, Subchapters C, D, & H consistent with the purposes of this chapter, and as now or hereafter amended); and

- The Washington state department of health's regulation of scope of practice and standards of practice for licensed health care professionals regulated under Title 18 RCW.

AMENDATORY SECTION (Amending WSR 00-01-037, filed 12/7/99, effective 1/8/00)

WAC 296-20-02705 What are treatment and diagnostic guidelines and how are they related to medical coverage decisions? (1) Treatment and diagnostic guidelines are recommendations for the diagnosis or treatment of accepted conditions. These guidelines are intended to guide providers through the range of the many treatment or diagnostic options available for a particular medical condition. Treatment and diagnostic guidelines are a combination of the best available scientific evidence and a consensus of expert opinion.

(2) The department may develop treatment or diagnostic guidelines to improve outcomes for workers receiving covered health services. As appropriate to the subject matter, the department may develop these guidelines in collaboration with the department's formal advisory committees:

- The industrial insurance and rehabilitation committee of the Washington State Medical Association, which includes a representative from the Washington Osteopathic Medical Association;

- The chiropractic advisory committee.

- The Washington state pharmacy and therapeutics committee.

(3) In the process of implementing these guidelines, the department may find it necessary to make a formal medical coverage decision on one or more of the treatment or diagnostic options. The department, not the advisory committees, is responsible for implementing treatment guidelines and for making coverage decisions that result from such implementation.

AMENDATORY SECTION (Amending WSR 00-01-040, filed 12/7/99, effective 1/20/00)

WAC 296-20-03011 What general limitations are in place for medications? (1) **Amount dispensed.** The depart-

ment or self-insurer will pay for no more than a thirty-day supply of a medication dispensed at any one time.

(2) **Over-the-counter drugs.** Prescriptions for over-the-counter items may be paid. Special compounding fees for over-the-counter items are not payable.

(3) **Generic drugs.** Prescriptions are to be written for generic drugs unless the attending physician specifically indicates that substitution is not permitted. For example: The patient cannot tolerate substitution. Pharmacists are instructed to fill with generic drugs unless the attending physician specifically indicates substitution is not permitted.

(4) **Evidence-based prescription drug program.** In accordance with RCW 70.14.050, the department in cooperation with other state agencies may develop a preferred drug list. Any pharmacist filling a prescription under state purchased health care programs as defined in RCW 41.05.011(2) shall substitute, where identified, a preferred drug for any nonpreferred drug in a given therapeutic class, unless the endorsing practitioner has indicated on the prescription that the nonpreferred drug must be dispensed as written, or the prescription is for a refill of an antipsychotic, antidepressant, chemotherapy, antiretroviral, or immunosuppressive drug (see RCW 69.41.190) or the nonendorsing practitioner has received prior authorization from the department to fill the prescription as written, in which case the pharmacist shall dispense the prescribed nonpreferred drug.

(5) **Prescriptions for unrelated medical conditions.** The department or self-insurer may consider temporary coverage of prescriptions for conditions not related to the industrial injury when such conditions are retarding recovery. Any treatment for such conditions must have prior authorization per WAC 296-20-055. This would apply to any prescription for such conditions even when the endorsing practitioner indicates "dispense as written."

((5)) (6) **Pension cases.** Once the worker is placed on a pension, the department or self-insurer may pay for only those drugs and medications authorized for continued medical treatment for conditions previously accepted by the department. Authorization for continued medical and surgical treatment is at the sole discretion of the supervisor of industrial insurance and must be authorized before the treatment is rendered. In such pension cases, the department or self-insurer cannot pay for scheduled drugs used to treat continuing pain resulting from an industrial injury or occupational disease.

AMENDATORY SECTION (Amending WSR 00-01-040, filed 12/7/99, effective 1/20/00)

WAC 296-20-03012 Where can I find the department's outpatient drug and medication coverage decisions? The department's outpatient drug and medication coverage decisions are contained in the department's formulary, as developed by the department in collaboration with the Washington state pharmacy and therapeutics committee and the Washington State Medical Association's Industrial Insurance and Rehabilitation Committee.

In the formulary, drugs are listed in the following categories:

• **Allowed**

Drugs used routinely for treating accepted industrial injuries and occupational illnesses, including those on the preferred drug list.

Example: Nonscheduled drugs and other medications during the acute phase of treatment for the industrial injury or condition.

• **Prior authorization required**

Drugs used routinely to treat conditions not normally accepted as work related injuries, drugs which are used to treat unrelated conditions retarding recovery from the accepted condition on the claim, and drugs for which less expensive alternatives exist. ~~((Example: All drugs to treat hypertension because hypertension is not normally an accepted industrial condition.))~~ For example: All drugs to treat hypertension require prior authorization because hypertension is not normally an accepted industrial condition. In addition, nonendorsing practitioners must obtain prior authorization for a nonpreferred drug when the category of drugs has a preferred drug.

• **Denied**

Drugs not normally used for treating industrial injuries or not normally dispensed by outpatient pharmacies.

Example: Most hormones, most nutritional supplements.

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

March 25, 2004

John F. Conrad

Assistant Secretary

AMENDATORY SECTION (Amending WSR 01-02-027, filed 12/22/00, effective 1/22/01)

WAC 468-100-306 Reestablishment expenses—Non-residential moves. In addition to the payments available under WAC 468-100-303, a small business, as defined in WAC 468-100-002(~~((16))~~(17)), farm or nonprofit organization may be eligible to receive a payment, not to exceed ~~((ten))~~ fifty thousand dollars, for expenses actually incurred in relocating and reestablishing such small business, farm, or nonprofit organization at a replacement site.

(1) Eligible expenses. Reestablishment expenses must be reasonable and necessary, as determined by the agency. They may include, but are not limited to, the following:

(a) Repairs or improvements to the replacement real property as required by federal, state, or local law, code, or ordinance.

(b) Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.

(c) Construction and installation costs for exterior signing to advertise the business.

(d) Provision of utilities from right of way to improvements on the replacement site.

(e) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, panelling, or carpeting.

(f) Licenses, fees, and permits when not paid as part of moving expenses.

(g) Feasibility surveys, soil testing and marketing studies.

(h) Advertisement of replacement location.

(i) Professional services in connection with the purchase or lease of a replacement site.

(j) Increased costs of operation during the first two years at the replacement site for such items as:

(i) Lease or rental charges;

(ii) Personal or real property taxes;

(iii) Insurance premiums; and

(iv) Utility charges, excluding impact fees.

(k) Impact fees or one-time assessments for anticipated heavy utility usage.

(l) Other items that the agency considers essential to the reestablishment of the business.

~~((m) Expenses in excess of the regulatory maximums set forth in (e), (h) and (j) of this subsection may be considered eligible if large and legitimate disparities exist between costs of operation at the displacement site and costs of operation at an otherwise similar replacement site. In such cases the regulatory limitation for reimbursement of such costs may, at the request of the agency, be waived by the agency funding the program or project, but in no event shall total costs payable under this section exceed the ten thousand dollar statutory maximum.))~~

WSR 04-08-041

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed March 31, 2004, 11:35 a.m.]

Date of Adoption: March 25, 2004.

Purpose: To amend WAC 468-100-306 to reflect the recent change to RCW 8.26.035 (1)(d) pertaining to actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site. Changes statutory limit from \$10,000 to \$50,000.

Citation of Existing Rules Affected by this Order: Amending WAC 468-100-306.

Statutory Authority for Adoption: Chapter 8.26 RCW.

Adopted under notice filed as WSR 04-03-113 on January 21, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

(2) Ineligible expenses. The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:

(a) Purchase of capital assets, such as, office furniture, filing cabinets, machinery, or trade fixtures.

(b) Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.

(c) Interior or exterior refurbishments at the replacement site which are for aesthetic purposes, except as provided in WAC 468-100-306 (1)(e).

(d) Interest on money borrowed to make the move or purchase the replacement property.

(e) Payment to a part-time business in the home which does not contribute materially to the household income.

WSR 04-08-042
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed March 31, 2004, 3:33 p.m., effective October 1, 2004]

Date of Adoption: March 25, 2004.

Purpose: To reduce emissions of gasoline vapors from fueling motor vehicles by adding training requirements as well as clarifying the recognition and repair of system defects.

Citation of Existing Rules Affected by this Order: Amending Section 2.07, Regulation II.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 04-06-051 on March 1, 2004.

Changes Other than Editing from Proposed to Adopted Version: The original proposal was amended to:

1. Clarify that ISD (In Station Diagnostics) equipment is not required.

2. Clarify that installation of EVR equipment, determined by the manufacturer to be interchangeable with the original approved equipment, is permitted.

3. Remove the distinction between retail and nonretail gasoline dispensing facilities.

4. Include a review of the self-inspection program as part of required compliance test.

5. Require testers to provide their qualifications to the agency.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: October 1, 2004.

March 30, 2004

Larry C. Vaughn
Engineer

AMENDATORY SECTION

REGULATION II SECTION 2.07 GASOLINE ((STATIONS)) DISPENSING FACILITIES

~~((a) Applicability. This section shall apply to all facilities that load gasoline into the fuel tanks of motor vehicles, marine vessels, or aircraft directly from stationary storage tanks.~~

~~(1) Stage 1 vapor recovery system requirements shall apply to all gasoline storage tanks with a capacity of greater than 1,000 gallons:~~

~~(A) Installed after January 1, 1979; or~~

~~(B) Located at facilities with a gasoline throughput greater than 200,000 gallons per calendar year.~~

~~(2) Stage 2 vapor recovery system requirements shall apply to all gasoline storage tanks with a capacity of greater than 1,000 gallons (except those used exclusively for aviation or marine gasoline):~~

~~(A) Installed after August 2, 1991;~~

~~(B) Located at facilities in King, Pierce, and Snohomish Counties with a gasoline throughput greater than 600,000 gallons per calendar year; or~~

~~(C) Located at facilities in Kitsap County with a gasoline throughput greater than 840,000 gallons per calendar year.~~

~~(b) Stage 1 Requirements. It shall be unlawful for an owner or operator of the facility to cause or allow the transfer of gasoline from a transport tank into a stationary storage tank unless:~~

~~(1) The stationary storage tank is equipped with a submerged fill line and a Stage 1 vapor recovery system certified by the California Air Resources Board and installed in accordance with the system's certification requirements; and~~

~~(2) The system is visually inspected after each product delivery and any equipment found to be defective (e.g., loose caps or adaptors, stuck poppet valves, damaged gaskets) is repaired or replaced as soon as possible but no later than 7 days after the inspection.~~

~~(e) Stage 2 Requirements. It shall be unlawful for an owner or operator of the facility to cause or allow the transfer of gasoline from the stationary storage tank into a motor vehicle fuel tank (except motorcycles) unless:~~

~~(1) The stationary storage tank and dispenser are equipped with a Stage 2 vapor recovery system certified by the California Air Resources Board and installed in accordance with the system's certification requirements;~~

~~(2) Operating instructions are conspicuously posted and include a warning against topping off and the Department of Ecology's toll-free telephone number for complaints about the system;~~

(3) The system is inspected on a weekly basis and any equipment found to be defective (e.g., torn bellows, mini-boots or hoses, leaking spouts, swivels or hoses, missing latch coils, stiff swivels) is taken out of service until repaired or replaced; and

(4) The system is tested for compliance with its certification requirements (e.g., pressure decay, back pressure, air/liquid ratio) and any equipment found to be defective is repaired/replaced and retested for compliance within 30 days. In the event that repair and retesting of defective equipment cannot be accomplished within 30 days, a 30-day extension may be granted in writing, provided that the owner or operator demonstrates in advance to the Control Officer that the equipment is being repaired and retested as soon as possible.

(d) Compliance Tests. Compliance with the requirements in Section 2.07(e)(4) of this regulation shall be achieved no later than July 1, 2000. Tests shall be performed in accordance with the test methods and Executive Orders of the California Air Resources Board in effect July 1, 1998. (Testing frequencies are specified in the Executive Orders.) These tests shall be exempt from the requirements of Section 3.07 of Regulation I. However, notification of the test date shall be submitted to the Agency at least 5 days in advance of the test and copies of all test results shall be kept on site for at least 2 years from the date of the test.)

(a) Applicability

This section applies to any facility that dispenses gasoline from a stationary storage tank with a rated capacity of more than 1,000 gallons into a motor vehicle fuel tank. The provisions of this rule do not apply to any Stage 1 or Stage 2 vapor recovery system that is not required by this rule. This rule does not require the installation of any In Station Diagnostics (ISD) system.

(b) Definitions

(1) CARB-CERTIFIED means a Stage 1 or Stage 2 vapor recovery system, equipment, or any component thereof, for which the California Air Resources Board (CARB) has evaluated its performance and issued an Executive Order (including any subsequent approval letters). However, any ISD system specified in a CARB executive order is not required.

(2) OWNER OR OPERATOR means a person who owns, leases, super-vises, or operates a facility subject to this regulation.

(c) Stage 1 Vapor Recovery Requirements

(1) Installation Requirements

(A) Owners or operators must install a CARB-certified Stage 1 vapor recovery system on any gasoline storage tank with a rated capacity of more than 1,000 gallons that is either located at a facility where the current annual gasoline throughput is greater than 200,000 gallons or installed after January 1, 1979.

(B) Any person installing a CARB-certified Stage 1 vapor recovery system must install the system in accordance with the CARB executive order in effect on the date of installation.

(2) Maintenance Requirements

(A) All Stage 1 vapor recovery systems shall be installed, operated, and maintained in accordance with the CARB executive order in effect on the date of installation.

(B) After June 1, 2005, all dual-point Stage 1 vapor recovery systems located at a facility required to be equipped with Stage 2 vapor recovery systems must be equipped with swivel adapters.

(3) Self-Inspection Requirements

Owners or operators must inspect each Stage 1 vapor recovery system between gasoline deliveries for the defects listed in Table 1(a) or 1(b), depending on the type of system installed, using the inspection procedures listed in the tables. However, if the facility receives more than one delivery to a tank in a day, the inspection is only required once per day.

Table 1(a)
Dual-Point Stage 1 Defects

Equipment	Inspection Procedures	Defects
Dust Cap (tank cap on top of adapter)	<ul style="list-style-type: none"> • Visually inspect the dust cap on both the fill and vapor risers. • Try to turn the dust cap on both the fill and vapor risers by hand. 	<ul style="list-style-type: none"> • Cap gasket is missing or damaged. • Cap is missing or damaged. • Cap turns with hand pressure.
Adapter Vapor Riser (brass fitting on tank riser)	Slowly depress poppet and check gasket and poppet alignment.	Poppet is inoperative, not aligned properly, or the gasket is damaged.
Adapter (brass fitting on tank riser) (Not required for swivel adapters.)	Try to turn the adapters on both the fill and vapor risers by hand.	Adapter turns with hand pressure.
Fill Tube (from adapter to bottom of tank)	Visually inspect the fill tube gasket, if clearly visible after removal of dust cap. (Some fill tube assemblies may not allow observation of the fill tube gasket except by a service technician.)	Fill tube gasket is damaged or missing.
Spill Bucket	Visually inspect the liquid level in the spill bucket and the condition of the drain valve.	<ul style="list-style-type: none"> • Liquid level is more than 1 inch. • Drain valve is open or leaking vapors.

Table 1(b)
Coaxial Stage 1 Defects

Equipment	Inspection Procedures	Defects
Dust Cap (tank cap on top of adapter)	<ul style="list-style-type: none"> • Visually inspect the dust cap on the fill riser. • Try to turn the dust cap on the fill riser by hand. 	<ul style="list-style-type: none"> • Cap gasket is missing or damaged. • Cap is missing or damaged. • Cap turns with hand pressure.
Adapter (brass fitting on tank riser)	Slowly depress the coaxial drop tube, check poppet gasket and poppet alignment.	Poppet is inoperative or out of alignment, poppet gasket is damaged, or spring is broken.
Adapter (brass fitting on tank riser)	Try to turn the adapter by hand.	Adapter turns with hand pressure.

PERMANENT

Equipment	Inspection Procedures	Defects
Spill Bucket	Visually inspect the liquid level in the spill bucket and the condition of the drain valve.	<ul style="list-style-type: none"> • Liquid level is more than 1 inch. • Drain valve is open or leaking vapors.

(4) Corrective Action Requirements for Stage 1 Defects

(A) Whenever a Stage 1 defect as described in Table 1(a) or 1(b) is discovered during a self-inspection, the owner or operator must repair it as soon as possible after the defect is discovered, but no later than the end of the next business day.

(B) If the defect cannot be repaired by the end of the next business day after discovery, the owner or operator must not receive any gasoline deliveries to the tank where the defect is located until the defect is repaired.

(5) Recordkeeping Requirements

(A) Owners or operators must keep a log of the results of each self-inspection, which must include the following:

- date of inspection,
- name of person conducting inspection,
- description of all defects found during the inspection, and
- date and time of repair of the defects.

(B) The log must be kept on-site at the facility and available for inspection for at least 2 years after the date the record was made.

(d) Stage 2 Vapor Recovery Requirements

(1) Installation Requirements

(A) Owners or operators must install a CARB-certified Stage 2 vapor recovery system on:

(i) any existing gasoline tank located at a facility where the annual gasoline throughput is greater than 600,000 gallons for facilities located in King, Pierce, or Snohomish counties and greater than 840,000 gallons for facilities located in Kitsap County; or

(ii) on any gasoline tank with a rated capacity of more than 1,000 gallons installed after August 2, 1991 at a facility where the current annual gasoline throughput is greater than 200,000 gallons.

(B) Any person installing a CARB-certified Stage 2 vapor recovery system must install the system in accordance with the CARB executive order in effect on the date of installation.

(2) Maintenance Requirements

(A) All Stage 2 vapor recovery systems installed after April 1, 2003 must be Onboard Refueling Vapor Recovery (ORVR) compatible and must be installed, operated, and maintained in accordance with the CARB executive order in effect on the date of installation. However, ISD system installation is not required.

(B) All Stage 2 vapor recovery systems installed prior to April 1, 2003 shall be installed, operated, and maintained in accordance with the CARB executive order in effect as of April 1, 2003, even if CARB later decertifies the system. In such a case, the installation of equipment determined by the manufacturer to be interchangeable with the original approved equipment is permitted.

(3) Self-Inspection Requirements

Owners or operators must inspect Stage 2 vapor recovery systems every day the facility is open for business for the

defects listed in either Table 2(a) or 2(b), depending on the type of system installed, using the inspection procedures listed in the tables.

**Table 2(a)
Vapor-Balance Stage 2 Defects**

Equipment	Inspection Procedures	Defects
Nozzle Spout	Pull back the boot to ensure the latch ring is on the spout.	Latch ring is missing.
Nozzle	Visually inspect the boot (bellows) for holes or slits.	No boot hole shall be more than 1/4 inch diameter. No slit shall exceed 1/2 inch in length.
Nozzle	Visually inspect for leaking gasoline.	Visible gasoline leaks.
Nozzle	Visually inspect faceplate for missing or damaged surface area.	1/4 or more of the circumference of the bellows faceplate is damaged or missing.
Nozzles Emco A3005 bellows A3007 bellows A4000 bellows A4001 bellows A4003 bellows A4005 bellows A4007 bellows A4015 bellows Husky V bellows OPW 111V flow 211V bellows	Compress the boot and note the tension on the trigger. Release the boot and note the tension on the trigger.	If the trigger is loose when the boot is compressed or the trigger is firm when the boot is released, the insertion interlock is defective.
Hose (from dispenser to nozzle) including Whip Hose	Visually inspect the hose for physical condition.	Hose has cuts, holes, is flattened, or kinked, or the fuel flow direction is incorrect (if marked on the hose).

**Table 2(b)
Vacuum-Assist Stage 2 Defects**

Equipment	Inspection Procedures	Defects
Nozzle Latch Coil	Visually inspect each nozzle for missing latch coils.	Latch coil is missing.
Nozzle	Visually inspect the mini-boot (bellows) for holes or slits.	More than 1/8 of the outer edge of the mini-boot is missing, or a slit is greater than 1 1/2 inches long.
Nozzle	Visually inspect for leaking gasoline.	Visible gasoline leaks.
Hose (from dispenser to nozzle)	Visually inspect the hose.	Hose has cuts, holes, is flattened, or kinked, or the fuel flow direction is incorrect (if marked on the hose).

(4) Corrective Action Requirements for Stage 2 Defects

(A) Whenever a Stage 2 defect as described in Tables 2(a) or 2(b) is discovered during a self-inspection, the owner or operator must repair it as soon as possible.

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(B) If the defect cannot be repaired within one hour after discovery, the defective equipment must be removed from service until the defect is repaired.

(5) Recordkeeping Requirements

(A) Owners or operators must keep a log of the results of each self-inspection, which must include the following:

- time and date of the inspection,
- person conducting the inspection,
- a description of all defects found during the inspection, and
- time and date of repair of any defects.

(B) The log must be kept on-site at the facility and available for inspection for at least 2 years after the date the record was made.

(e) Self-Inspection Training Requirements

(1) Owners or operators of facilities with Stage 2 vapor recovery systems must provide training for all employees who are responsible for performing self-inspections of the Stage 1 and Stage 2 vapor recovery equipment within 30 days of hire and provide on-site refresher training for those employees at least once every calendar year.

(2) The self-inspection training must include all of the following:

(A) The location, function, and operation of vapor recovery equipment.

(B) Why vapor recovery equipment must be inspected and maintained.

(C) How to inspect vapor recovery equipment.

(D) How to recognize a defect.

(E) Appropriate corrective actions when defects are discovered.

(F) How to keep the necessary records.

(G) The penalties for noncompliance.

(3) The person providing the training must conduct the training in accordance with this section.

(4) After conducting the training required by this section, the owner or operator must prepare a written training report that includes:

- name and address of person conducting the training,
- date of the training, and
- names of the persons trained.

Owners or operators must keep a copy of the training report on-site at the facility and available for inspection for at least 2 years after the date the report was prepared.

(f) Stage 2 Testing Requirements

(1) Testing Requirements

(A) Owners or operators must obtain compliance tests of vacuum-assist Stage 2 vapor recovery systems at least once every 12 months, and tests of vapor-balance Stage 2 vapor recovery systems at least once every 24 months.

(B) Each time a test is conducted, the test shall also include a review of the on-site records required by this rule including: training, self-inspections, gasoline throughput, and testing.

(C) The person performing the tests must conduct the following compliance tests for each Stage 2 vapor recovery system:

Table 3
Required Stage 2 Compliance Tests

<u>Stage 2 Vapor Recovery Systems</u>	<u>CARB Tests Required</u>	<u>CARB Test Procedures</u>	<u>Date of Adoption</u>
<u>All Vapor-Balance</u>	<u>Pressure Decay</u>	<u>TP-201.3</u>	<u>March 17, 1999</u>
	<u>Back Pressure</u>	<u>TP-201.4</u>	<u>July 3, 2002</u>
	<u>Tank-Tie Test</u>	<u>TP-201.3C</u>	<u>March 17, 1999</u>
<u>All Vacuum-Assist</u>	<u>Pressure Decay</u>	<u>TP-201.3</u>	<u>March 17, 1999</u>
	<u>Back Pressure</u>	<u>TP-201.4</u>	<u>July 3, 2002</u>
	<u>Air-to-Liquid Ratio</u>	<u>TP-201.5</u>	<u>February 1, 2001</u>
	<u>Tank-Tie Test</u>	<u>TP-201.3C</u>	<u>March 17, 1999</u>
<u>Healy 600 G-70-165</u>	<u>Pressure Decay</u>	<u>TP-201.3</u>	<u>March 17, 1999</u>
	<u>Vapor Return Integrity Test</u>	<u>G-70-165 Exhibit 4</u>	<u>April 20, 1995</u>
	<u>Tank-Tie Test</u>	<u>TP-201.3C</u>	<u>March 17, 1999</u>
<u>Healy 400 ORVR G-70-186</u>	<u>Pressure Decay</u>	<u>TP-201.3</u>	<u>March 17, 1999</u>
	<u>Fill Neck Pressure Test</u>	<u>G-70-186 Exhibit 5</u>	<u>October 26, 1998</u>
	<u>Vapor Line Vacuum Integrity Test</u>	<u>G-70-186 Exhibit 4</u>	<u>October 26, 1998</u>
	<u>Tank-Tie Test</u>	<u>TP-201.3C</u>	<u>March 17, 1999</u>
<u>Hirt System G-70-177-AA</u>	<u>Pressure Decay</u>	<u>TP-201.3</u>	<u>March 17, 1999</u>
	<u>Air-to-Liquid Ratio</u>	<u>TP-201.5</u>	<u>February 1, 2001</u>
	<u>Tank-Tie Test</u>	<u>TP-201.3C</u>	<u>March 17, 1999</u>

Note: Tank-tie test must be conducted at least once, or after any tank configuration changes to show the tanks are manifolded. The tank-tie test records must always be kept on-site to verify compliance.

(2) Testing Procedures

(A) The person performing the tests must conduct the testing in accordance with the CARB test procedures contained in Table 3. Once each calendar year and before con-

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ducting any tests under this rule, a person performing CARB compliance tests must submit a written summary of their training and qualifications to perform the test to the Agency.

(B) The tests listed in Table 3 are exempt from the requirements of Section 3.07 of Regulation I, however persons performing such tests must notify the Agency in writing at least 72 hours prior to conducting a test to provide the Agency an opportunity to observe the test.

(3) Failed Compliance Tests

Owners or operators must notify the Agency within 24 hours of any failed compliance tests, if the defective equipment cannot be repaired or replaced by the person conducting the test on the day of the test. If the defective equipment cannot be repaired by the close of the next business day following the failed compliance test, the owner or operator must stop receiving and/or dispensing gasoline from the defective equipment until it is repaired. This does not include any operation of the equipment necessary to conduct a retest.

(4) Test Reports

(A) After the testing required by this section has been conducted, the owner or operator must obtain a written test report.

(B) The written report must include:

- name and address of the tester,
- date of the testing,
- equipment tested,
- test procedures used,
- results of the tests,
- any repairs or corrective actions necessary to pass the tests, and
- results of the records review, including whether the on-site records comply with the requirements of this rule.

(5) Recordkeeping Requirements for Owners and Operators

Owners or operators must keep a copy of the test report on-site at the facility and available for inspection for at least 2 years after the date the report was prepared.

WSR 04-08-043

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed March 31, 2004, 4:27 p.m.]

Date of Adoption: March 31, 2004.

Purpose: This rule-making order creates one bean seed quarantine rule that simplifies the quarantine requirements, streamlines the reporting and compliance requirements, and clearly defines the diseases that are regulated under the bean seed quarantine.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-301-450, 16-301-455, 16-301-460, 16-301-465, 16-301-470, 16-301-475, 16-301-480 and 16-301-485; and amending WAC 16-301-365, 16-301-375, 16-301-380, 16-301-395, 16-301-410, 16-301-415, 16-301-420, 16-301-430, 16-301-435, and 16-301-440.

Statutory Authority for Adoption: RCW 15.49.310, 17.24.011, and 17.24.041.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 04-05-118 on February 18, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 10, Repealed 8.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, Repealed 8.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 10, Repealed 8.

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

March 31, 2004

Valoria Loveland

Director

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-365 Bean seed quarantine—Establishing quarantine. The production of edible beans and bean seed is an important industry in the state of Washington. The economic well-being of that industry is threatened by the introduction of bean seed contaminated with ~~((viral))~~ bean, bacterial ~~((and))~~, fungal ~~((diseases not established in the commercial production areas in Washington))~~ and seed-borne viral pathogens. The director has determined that a quarantine ~~((will be effective in preventing the introduction of these viral, bacterial and fungal diseases of beans, and that control of these diseases of beans will))~~ is needed to protect the Washington dry bean industry and to provide the bean growers of ~~((the))~~ this state ~~((of Washington with))~~ a source of bean seed ~~((beans))~~ for planting purposes ~~((which are))~~ that is tested for the presence of these diseases.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-375 Regulated articles. Seeds of common beans ~~((and adzuki beans))~~, *Phaseolus sp.*, intended for planting purposes, bean plants and parts of plants, and crop residue from the harvest of infected beans are regulated under the provisions of this chapter.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-380 Regulated diseases. The following viral, bacterial and fungal diseases of beans, and any new strains or variations of these identified in the future, of beans are regulated under the provisions of this chapter:

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Halo blight (*Pseudomonas syringae* pv. *phaseolicola* (Young et. al.))

Common bean blight (*Xanthomonas campestris* pv. *phaseoli* (Smith) Dye)

Fuscos blight (*Xanthomonas phaseoli* var. *fuscans* (Burk.))

Bean anthracnose disease (*Colletotrichum lindemuthianum* (Sacc. & Magn.) Scrib.)

Brown spot disease (*Pseudomonas syringae* pv. *syringae* (Van Hall)) strains virulently pathogenic to Phaseolus

Bean bacterial wilt (*Corynebacterium flaccumfaciens* ssp. *flaccumfaciens* (Hedges) Dows.)

Seed-borne viral diseases of beans, such as, but not limited to, bean common mosaic virus and its strains are regulated under the terms of this quarantine.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-395 General requirements for planting bean seed in the regulated area. (1) No beans may be planted, sold, shipped, ~~((or))~~ transported for seed purposes, or knowingly received in the regulated area which are found to be or are known to be contaminated with any disease listed in WAC 16-301-380 and must also comply with the requirements as listed in WAC 16-301-396.

(2) The department shall be notified in writing, prior to shipping, of any person's intent to ship, move, or transport any bean seed into the regulated area. ~~((A copy of the official certificate issued for that bean seed must accompany this notice of intent.))~~ All bean seed to be planted in the regulated area must have a Notice of Intent/Quarantine Compliance form filed with the WSDA seed program. A copy of the field inspection report or other proof of freedom from specified diseases based on one field inspection and one windrow inspection or negative results from an approved laboratory test must accompany this form. In addition, a copy of the laboratory analysis (ELISA) showing freedom from regulated viral diseases issued for that bean seed must accompany this Notice of Intent/Quarantine Compliance form. Proof of I-gene resistance may be provided in lieu of laboratory analysis (ELISA).

NEW SECTION

WAC 16-301-396 Additional requirements for planting bean seed in the regulated area relating to seed-borne viral diseases. Bean seed may be received for planting purposes, planted, sold, shipped, or transported if that seed meets one of the following criteria:

(1) The bean variety (cultivar) is known to be uniform for the dominant I-gene. Documentation of evidence of uniformity must accompany the seed shipment. Undocumented cultivars are subject to serology and/or grow out testing to determine freedom from bean seed-borne viral diseases.

(2) The bean seed has been tested by the serology method (ELISA) and is found to be free from bean seed-borne viral diseases.

(3) The bean seed is tested by the serology method and is found to be positive for seed-borne viral diseases and on a

subsequent grow out test, the sample is found free from bean seed-borne viral diseases.

(4) All serology tests are based on an official five-pound sample of untreated bean seed for each fifty thousand pounds of bean seed or fraction thereof.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-410 Additional requirements for planting bean seed ~~((grown))~~ originating in quarantine Area I; areas west of the continental divide. (1) Bean seed from quarantine Area I must not be shipped, transported, or moved into the regulated area for planting unless the beans are accompanied by an ~~((origin))~~ official certificate showing that the beans are apparently free from the regulated diseases. Such certification shall be on the basis of at least one growing season field inspection and one windrow inspection ~~((or))~~ and an approved laboratory/greenhouse test, which may include ELISA or other diagnostic screening for bacterial or fungal diseases.

(2) Bean seed planted for seed increase or with intention of seed increase must be planted in fields entered into either the Washington state bean seed phyto-sanitary certificate inspection program or the Washington state seed certification inspection program as provided in WAC 16-302-045 and 16-301-235.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-415 Additional requirements for planting bean seed ~~((grown))~~ originating in quarantine Area II; areas east of the continental divide and foreign countries. (1) Bean seed must first be planted into an approved trial ground that meets the requirements of the department.

(2) Bean seed, up to a maximum of one pound per variety, may be planted in an approved trial ground intended for research purposes, with notification to the department, ~~((plant certification))~~ seed program, of intent to plant and adherence to the inspection procedures in WAC 16-301-425 and such isolation and other requirements as the director may prescribe.

(3) Bean seed over one pound, intended for introduction or seed increase, must first be planted in an approved trial ground not to exceed fifteen acres for each variety. The trial ground must be isolated from other beans by 1/4 mile. In addition, prior to planting, this bean seed must pass a laboratory/greenhouse test as recommended by the university; notification must be given to the department, ~~((plant certification))~~ seed program, of intent to plant; and inspection procedures in WAC 16-301-425 must be complied with for trial grounds.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-420 Quarantine—Exceptions and exemptions. (1) Bean seed planted for harvest as green beans for cannery or freezing, otherwise in compliance with this quarantine, is not required to be entered into an inspection

program except that the department reserves the right to request complete listing and location of all the plantings and other information the department may deem necessary. Further, if at any time prior to harvest, the grower decides that the plantings are not to be harvested as green beans, the department must be notified and the plantings placed under an inspection program. In order for the plantings to be accepted into the inspection program, the plantings must be at a state of maturity that allows for the proper identification of regulated diseases.

(2) This quarantine does not apply to the shipment, movement, or transportation of beans prepackaged in packages of eight ounces or less for home garden use in the regulated area if the beans are free of diseases.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-430 Identification and disposition of diseased bean seed and infected bean fields. (1) Any bean field planted with seed in violation of the requirements of this quarantine is subject to destruction, in full or in part, or quarantined, as determined necessary by the director, to prevent the spread of regulated diseases. Any expenses of such actions will be solely that of the grower or their responsible agents.

(a) Fields that are placed under a quarantine order must be entered into the Washington state bean seed phytosanitary inspection program as provided in WAC 16-301-235 with all costs of inspection to be borne by the grower or the grower's agent.

(b) Fields that are placed under a quarantine order may be subject to additional requirements for inspection, control or isolation, as deemed necessary by the director, to prevent the spread of regulated diseases.

(2) Any bean field determined to be infected with a regulated disease must be reported within seventy-two hours after discovery to the department, (~~plant certification~~) seed program.

(3) The department encourages the aid of all interested parties, including growers and seed company representatives, in the prompt reporting of suspected infected bean fields in order that timely investigation may be made.

(4) Any bean fields within the boundaries of the regulated area which show contamination by a regulated disease, as provided in subsection (5) of this section, must be destroyed in part or in total as may be required to eliminate the disease, by or at the expense of the grower or their responsible agents. The director may authorize any other method of control at the director's discretion. The director must notify the grower, seed company representatives and/or the grower's landlord of the method and extent of the destruction and safeguards against disease spread in order for the parties to comply.

(5) The identity of a regulated disease on growing plants or plants in windrow is based on the observance of the visual symptoms of the disease. If the department deems it necessary to establish true identity or pathogenically, a laboratory and/or greenhouse test may be conducted by the department in cooperation with the university. Testing is subject to pro-

visions provided in WAC 16-301-396 (3) and (4), the results of which will be used to determine final disposition.

(a) In cases of disagreement concerning the presence of a regulated disease between the department plant pathologist and a qualified plant pathologist representing the commercial company or grower, the definitive verification of identity or pathogenically must be determined by isolation of the suspected pathogen and inoculation of seedlings of a known susceptible host using accepted scientific and professional techniques.

(b) Until verification of the suspected pathogen as specified in this section is completed, the involved planting must be placed under quarantine for a period of thirty days subject to conditions and review or extension as determined by the director. Entry into the quarantined area is to be restricted to the grower or grower's agents, department employees, and/or persons authorized in writing by the director. Persons granted entry into the quarantined area will be required to take all necessary sanitary precautions as prescribed by the director to safeguard against the possible spread of the suspected regulated disease.

(6) The true identity of the regulated disease when found in or on seed is based on testing methods recommended by the university results of which, when positive, is evidence to identify the disease as being subject to the department's requirements. The owner of the seed, at owner's expense, may request verification of pathogenicity. Such verification must be made using accepted scientific and professional techniques.

(7) When the director determines that it is probable, based on visual symptoms and serological analysis, that a seed field may be infected with bean seed-borne viral diseases and determines that a threat of infection of other fields exists, the director may prescribe aphid control or other requirements, through a notice of destruction as provided in WAC 16-301-435, deemed necessary to prevent infection of adjacent properties.

(8) All bean seed that is determined to be contaminated by bean seed-borne viral diseases and which does not meet the requirements of WAC 16-301-395(2) must be destroyed or diverted to dry edible or other nonseed purposes. For seed that is diverted to dry edible or other nonseed purposes, documentation of disposition of the seed must be provided to the department of agriculture upon request.

(9) Exemptions and special situations:

(a) Any field of beans first found infected during windrow inspection, is exempt from total destruction if the diseased portion and an area (not less than a fifty-foot radius) surrounding the infected site is promptly destroyed or harvested with the beans from the infected area directed, under department supervision, to processing. Seed from the remainder of the field must be tested by a serology test. Only seed apparently free from regulated diseases may be used for seed purposes in the regulated area.

(b) Any field of beans to be used only for dry edible purposes is exempt from destruction if the diseased portion of the field is destroyed and the entire crop residue is promptly and completely destroyed after harvest.

(c) Beans for processing or fresh consumption are exempt from destruction if the diseased portion of the field is

destroyed or harvested within ten days after first detection and/or verification as provided in subsection (4) of this section and the crop residue is promptly and completely destroyed after harvest.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-435 Notice of destruction. When the director finds personal property planted in violation of the terms of this quarantine or infected as described in WAC 16-301-430, the director may issue a written notice of quarantine or destruction to the owners and occupants thereof. The notice must identify the property under quarantine, order the destruction of infested plants or prescribe the terms of entry, inspection, partial destruction and/or treatment of regulated articles. Any expenses of such actions will be solely that of the grower or their responsible agents.

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-301-440 Penalties. (1) Any bean field planted with seed in violation of the requirements of this quarantine is subject to destruction, in full or in part, or quarantined, as determined necessary by the director, to prevent the spread or establishment of bean diseases.

(2) In addition to actions specified in WAC 16-301-430, any grower violating the terms of this ((chapter)) quarantine, is subject to civil and/or criminal penalties provided in chapters 15.49 and/or 17.24 RCW.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-301-450 Bean seed-borne viral disease quarantine—Establishing the quarantine.
- WAC 16-301-455 Bean seed-borne viral disease quarantine—Regulated articles.
- WAC 16-301-460 Bean seed-borne viral disease quarantine—Regulated disease.
- WAC 16-301-465 Bean seed-borne viral disease quarantine—Quarantined area.
- WAC 16-301-470 Bean seed-borne viral disease quarantine—Regulated area.
- WAC 16-301-475 Bean seed-borne viral disease quarantine—Requirements for planting bean seed in the regulated area.
- WAC 16-301-480 Bean seed-borne viral disease quarantine—Identifica-

tion and disposition of diseased bean seed.

WAC 16-301-485

Bean seed-borne viral disease quarantine—Penalties.

WSR 04-08-044

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed March 31, 2004, 4:29 p.m.]

Date of Adoption: March 31, 2004.

Purpose: This rule-making order increases the amount of slender wheatgrass allowed in the certified class of the variety Critana Thickspike wheatgrass to 10% provided that the total of all other grass ssp. does not exceed .25% and total other crop, including all other grass ssp. does not exceed .50%. This adoption is necessary to facilitate the marketing of Washington produced grass seed by allowing Washington grass seed growers to more effectively compete with growers in other states.

Citation of Existing Rules Affected by this Order: Amending WAC 16-302-385.

Statutory Authority for Adoption: RCW 15.49.310, 15.49.370(3).

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 04-05-120 on February 18, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

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

March 31, 2004

Valoria Loveland

Director

AMENDATORY SECTION (Amending WSR 03-18-072, filed 8/29/03, effective 9/29/03)

WAC 16-302-385 Grass seed standards for certification. The seed standards for grass shall be as follows:

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SEED STANDARDS

CROP AND TYPE OF REPRODUCTION AS PER WAC 16-302-330	MINIMUM % GERM (d)(n)		MINIMUM % PURE		MAXIMUM % INERT		MAXIMUM % WEEDS (b)		MAXIMUM % OTHER CROPS		MAXIMUM SEEDS OF OTHER CROP GRASS SPECIES			
	FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. (i) REG.	CERT. (a)	FNDT. SEEDS/ LB.	REG. SEEDS/ LB.	CERT. %	
BLUEGRASS														
Big (A)	70	70	90	90	10	10	.05	.3	.1	.5	45 /lb.	454 /lb.	.25	
Canby (A)	70	70	90	90	10	10	.05	.3	.1	.5	45 /lb.	454 /lb.	.25	
Kentucky (A)	80	80	97	97	3	3	.05	.3	.1	.5	45 /lb.	454 /lb.	.25	
Canada, Upland (A)	80	80	96	92	4	8	.05	.3	.1	.5	45 /lb.	907 /lb.	.25	
BROMEGRASS														
Smooth & Meadow (C) (C)	80	85	95	95	5	5	.05	.3 (c)	.1	.5	9 /lb.	91 /lb.	.25	
Mountain & Sweet	85	85	95	95	5	5	.3	.3 (c)	.1	1.0	9 /lb.	91 /lb.	.25	
DEERTONGUE (C)	50	50	97	95	3	5	.50	.5 (c)	1.0	1.0	1%			
FESCUE														
Tall & Meadow (C)	80	85	95	97	5	3	.03	.3 (c)	.1	.5	18 /lb.	91 /lb.	.25	
Hard & Sheep (m)														
Turf Type (o)	(C)	80	85	95	97	5	3	.03	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
Reclamation/Range Type		80	85	95	92	5	8	.03	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
Chewings Red, Idaho and other Fescue (C)	80	90	95	97	5	3	.03	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25	
ORCHARDGRASS (C)	80	85	85	90	15	10	.03	.3 (c)	.1	.5	27 /lb.	91/lb.	.25	
		80 for	penlate	& latar										
RYEGRASS		85	90 (l)	96 (k)	97 (k)	4	3	.1	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25
Pennfine (C)	80	85	96 (k)	97 (k)	4	3	.1	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25	
TIMOTHY		80	85	97	97	3	3	.1	.3	.1	.5	9 /lb.	45 /lb.	.25
WHEATGRASS (n)														
Beardless (C)	80	85	90	90	10	10	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25	
Bluebunch (C) (C)	80	85	90	90	10	10	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25	
Intermediate, Tall (C)	80	85	95	95	5	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25	
Pubescent		80	85	95	95	5	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
Western, R/S Streambank, (C)														
Thickspike (S)	80	85	90	90	10	10	.1	.3 (c)	.1 (e)	.5 (e)(p)	9 /lb.	45 /lb.	.25(p)	
Slender (C)	80	85	90	95	10	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25	
Crested & Siberian		80	85	90	95	10	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25
INDIAN														
RICEGRASS (S)	80 (j)	80 (j)	95	90	5	10	.3	.5	.5	1.0	9 /lb.	45 /lb.	.25	
PUCCINELLIA (n)														
distans (C)	80	80	90	95	5	5	.3	.5	.5	1.0	45 /lb.	454 /lb.	.25	
WILD RYE (n) (C)	80	80	90	90	10	10	.1	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25	
BENTGRASS (C)	85	85	98	98	2	2	.3	.4 (f) (g)	.2	.6 (h)				
REDTOP (C)	80	80	92	92	8	8	.3	.5 (f)	.5	.2				
Ann.														
CANARYGRASS (C)	85	85	99	99	1	1	.1	.3	1/lb.	3/lb.				
GREEN (n) (C)	80	80	80	80	20	20	.1	.3 (c)	.1	.5				
NEEDLEGRASS														
SWITCHGRASS (C)	60	60	90	90	10	10	.5	1.5	.1	.25				

The following (a) - (o) are notes to the above table.

- (a) Not to exceed .25% other grass species for blue tag seed.
- (b) Grass seed must not contain more than 45/lb. for registered seed 91/lb. for certified seed, singly or collectively, of objectionable weed seeds. (See (f) of this subsection for certified bentgrass and redtop exemption.) Grass seed shall be free of the seed of prohibited noxious weeds.
- (c) A tolerance of 0.5% may be allowed for samples containing weedy bromus spp provided the total of all other weed seeds does not exceed 0.3%.
- (d) A standard tetrazolium (two hundred seed) test may be used in lieu of germination test. NOTE: State and federal seed laws require seed be labeled on a germination test.
- (e) A tolerance of 0.8% may be allowed in registered and certified wheatgrass containing small grain seed provided the total of all other crop seed does not exceed 0.1% for registered class and 0.5% for certified class.
- (f) Certified seed must not contain over 907 seeds per pound, singly or collectively, of the following weeds: Plantago spp., Big Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.
- (g) A maximum of .50% weed seed may be allowed in certified bentgrass containing silver hairgrass provided the total of all other weed seed does not exceed .40%.
- (h) 1.50% other fine bentgrasses and .50% redtop may be allowed in certified bentgrass containing a minimum of 98.00% total bentgrass.

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- (i) A crop exam is required for all registered and foundation class grass seeds.
- (j) Or 70% by Tz test.
- (k) Maximum other ryegrass allowed as determined by fluorescence test: Foundation 0.1%, registered 1%, certified 2% for annual and 3% for perennial containing a minimum of 97% total ryegrass. Acceptable fluorescence levels for specific varieties available upon request.
- (l) 85% minimum germination allowed on ryegrass varieties as designated by the breeder or variety owner. See list maintained by the seed program.
- (m) An ammonia test is required on hard and sheep fescue to determine presence of other Fescue sp. Other fine-leaved fescue found in the ammonia test will be included with other crop not other grass species.
- (n) Total viability as allowed in WAC 16-302-170 can be substituted for germination percentage.
- (o) Turf type fescues 97% pure seed. Range/reclamation types 92% pure seed. Varietal designation of turf or range/reclamation types are to be made by the breeder or variety owner. If no designation is made, the variety will be considered a turf type.
- (p) 10% slender wheatgrass is allowed in the certified class of Criciana, provided that the total of all other grass spp. does not exceed .25% and total other crop, including all other grass spp. does not exceed .50%.

**WSR 04-08-045
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed March 31, 2004, 4:41 p.m., effective July 1, 2004]

Date of Adoption: March 31, 2004.

Purpose: The amendments to this rule will modify the qualifications requirements for vocational counselors applying to supervise vocational interns to reflect a broader range of experience. This will result in being able to more equitably consider the experience of applicants, regardless of whether the experience was gained in the private or public sector, or in Washington or other states. The section also makes more explicit the responsibilities of supervisors in supervising interns.

WAC 296-19A-480 is amended to include the effective dates of changes to WAC 296-19A-210.

Citation of Existing Rules Affected by this Order: Amending WAC 296-19A-210(2), 296-19A-480.

Statutory Authority for Adoption: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110.

Adopted under notice filed as WSR 04-01-164 on December 22, 2003, and WSR 04-03-035 on January 15, 2004.

Changes Other than Editing from Proposed to Adopted Version: In proposed WAC 296-19A-210 (2)(c), internship time would not have counted as qualifying experience for supervisory status. Based on further consideration of the proposed rule, and review of public comment received, the department has chosen to make changes to this proposed rule. The change will allow up to a maximum of thirty-six months of internship status to be counted toward the five years of experience needed to become a supervisor.

The department also chose to make two wording changes in proposed WAC 296-19A-210 (2)(d)(iii) and (iv). In each case the department added a word ("monitoring" and "pro-

moting," respectively) to clarify intent and improve parallel construction. The changes are considered to be minor editing.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: July 1, 2004.

March 31, 2004
Paul Trause
Director

PERMANENT

AMENDATORY SECTION (Amending WSR 03-11-009, filed 5/12/03, effective 2/1/04)

WAC 296-19A-210 What are the qualifications to provide vocational rehabilitation services to industrially injured or ill workers? Provider community commentary, expert opinion and best practices suggest that there is a correlation between a higher quality level of vocational rehabilitation services and higher qualifications of vocational rehabilitation providers. To ensure the provision of the highest possible quality of vocational rehabilitation services, the department shall only issue a provider number to persons, firms, partnerships, corporations, and other legal entities that meet the following qualification requirements:

(1) Vocational rehabilitation counselor (VRC).

(a) VRCs not registered with the department and applying for a provider number with the department effective on or after December 1, 2000, must meet the following minimum qualifications:

Education Masters Degree	Experience 1 year full-time industrial insurance experience	Certification and CRC or CDMS or ABVE
OR		
Bachelors Degree	2 years full-time industrial insurance experience	and CRC or CDMS

CRC = Certified Rehabilitation Counselor

CDMS = Certified Disability Management Specialist

ABVE = American Board of Vocational Experts

(b) VRCs registered with the department as of November 30, 2000, will be required to meet the qualification criteria in (a) of this subsection no later than November 30, 2010.

(c) The VRC assigned to or directly receiving the referral from the referral source is responsible for all work performed by any vocational provider on that referral.

(2) VRC supervisor of interns (supervisor).

(a) ~~((In order to supervise interns providing vocational rehabilitation services to industrially injured or ill workers beginning on or after December 1, 2000, the VRC supervisor must provide proof of five years full-time experience providing direct vocational services to Washington state injured workers.))~~ The ~~((VRC))~~ supervisor must meet ~~((all of))~~ the qualification requirements for a VRC in subsection (1)(a) and (b) of this section.

(b) ~~((Supervisors registered with the department as of November 30, 2000, will be required to meet the qualification criteria in (a) of this subsection no later than November 30, 2010.~~

~~((The VRC supervisor is responsible for ensuring that all work performed by an intern for the department or self-insurer conforms with Title 51 RCW, department rules and department policies.))~~ The supervisor must provide proof of a total of five years full-time experience providing, evaluating, analyzing and/or assessing vocational services. For the purposes of this rule, "vocational services" are those defined in WAC 296-19A-010(2). At least three of the five years must be under Title 51 RCW.

(c) A maximum of thirty-six months in intern status may be counted toward the five years of experience needed to become a supervisor.

(d) Supervisors are expected to monitor and assist in the training and professional development of interns under their supervision, in order to ensure that interns develop the requisite knowledge and professional skills to become competent VRCs. A supervisor's responsibilities, include, but are not limited to:

(i) Monitoring billing;

(ii) Monitoring work;

(iii) Monitoring professional behavior;

(iv) Promoting professional development and assisting the intern in meeting the department's requirements to become a VRC; and

(v) Communicating statute, rule and policy.

(3) Forensic services—In order to provide forensic services to the department, on or after the effective date of this rule, a VRC must provide proof of five years full-time experience providing direct vocational services to Washington state industrially injured or ill workers, and must possess a CRC or ABVE certification. Vocational providers previously approved to provide this service, under chapter 296-19A WAC, will retain that status.

(4) Intern.

(a) Interns not registered with the department and applying for a provider number with the department on or after December 1, 2000, must meet the following minimum qualifications:

Degree	Internship Length
Masters Degree in field acceptable to CRC or CDMS or ABVE	Equal to required experience to obtain CRC or CDMS or ABVE certification including at least 1 year working with industrially injured or ill workers.

Degree	Internship Length
OR	
Bachelors Degree in field acceptable by CDMS	Equal to required experience to obtain CDMS certification including at least 2 years working with industrially injured or ill workers.

(b) Interns not registered with the department and applying for a provider number with the department on or after December 1, 2000, must obtain one of the required VRC certifications within one year of completing their required internship. Interns will remain in internship status during this time frame.

(c) Interns registered with the department as of November 30, 2000, will be required to apply for a provider number with the department and may work as an intern until the end of their current internship. Upon completion of the internship the intern may submit an application to the department as a VRC. These providers must obtain one of the required VRC certifications by November 30, 2010.

(d) All interns are required to conform to Title 51 RCW, department rules, and department policies. All interns granted a provider number by the department must be supervised by a VRC supervisor.

(e) No person shall serve as an intern under these rules for more than seventy-two months of full-time experience, or its equivalent, working with industrially injured or ill workers. The intern must notify the department when there is a change in the status of an internship.

(5) Interns may not receive referrals directly from the department or self-insured employers. Interns may perform aspects of vocational rehabilitation services under the supervision of a VRC supervisor.

(6) Providers who receive or are assigned referrals must comply with all electronic security requirements in place for accessing department files.

(7) Providers registered with the department as of November 30, 2000, who do not meet the above qualification requirements within the ten-year period will no longer be eligible to provide vocational rehabilitation services to industrially injured or ill workers and the department will terminate their provider number(s).

(8) Business requirements.

(a) Providers must comply with all federal and state laws, regulations and other requirements with regard to business operations. In order to be eligible to receive referrals from the department, providers must satisfy the requirements set forth in this subsection in every service location in which they wish to operate.

(b) Providers must be covered by general liability insurance, automobile liability insurance, errors and omission insurance, malpractice insurance, and industrial insurance if required by Title 51 RCW.

(c) Providers must have services and facilities that provide injured workers a private and professionally suitable location in which to discuss vocational rehabilitation services issues. In order to be eligible to receive referrals from the department, providers must satisfy the requirements set forth in this subsection in every service location in which they wish to operate.

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(d) Providers must have telephone-answering capability during regular business hours, Monday through Friday. In order to be eligible to receive referrals from the department, providers must satisfy the requirements set forth in this subsection in every service location in which they wish to operate.

(e) In order to receive referrals made by the department, providers must maintain or have access to equipment that can utilize the department's remote access system for transmitting vocational referrals.

(9) The department may assign a provider number to a vocational rehabilitation firm, partnership, corporation or other legal entity so long as substantial control over the daily management of the vocational rehabilitation firm, partnership, corporation or other legal entity is performed by a VRC that satisfies the qualifications set forth in this rule.

AMENDATORY SECTION (Amending WSR 03-11-009, filed 5/12/03, effective 7/1/03)

WAC 296-19A-480 When must providers comply with these rules? (1) The amendments to ~~((the following section of chapter 296-19A))~~ WAC 296-19A-210(2) become~~((s))~~ effective ~~((on))~~ July 1, ~~((2003:~~

~~WAC 296-19A-137 "When can the department request a stand-alone job analysis?"))~~ 2004.

(2) The following amendments to chapter 296-19A WAC and new sections become effective February 1, 2004:

WAC 296-19A-010 "Definitions."

WAC 296-19A-020 "When may the department offer vocational rehabilitation services?"

WAC 296-19A-025 "What information does the department consider when exercising discretion?"

WAC 296-19A-030 "What are the responsibilities of the parties?"

WAC 296-19A-040 "What vocational rehabilitation services require authorization?"

WAC 296-19A-045 "Which rules under 'department vocational rehabilitation referrals' apply only to the department?"

WAC 296-19A-060 "What reports does the department require when early intervention services are provided at its request?"

WAC 296-19A-065 "What are ability to work assessment (AWA) services?"

WAC 296-19A-070 "What is an ability to work assessment?"

WAC 296-19A-080 "How often must written progress reports be completed and submitted during assessment activities?"

WAC 296-19A-090 "What are vocational rehabilitation plan development services?"

WAC 296-19A-100 "What reports does the department require when vocational rehabilitation plan development services are provided at its request?"

WAC 296-19A-110 "What are vocational rehabilitation plan implementation and monitoring services?"

WAC 296-19A-120 "What reports does the department require when vocational rehabilitation plan implementation and monitoring services are provided at its request?"

WAC 296-19A-125 "What is the purpose of forensic services?"

WAC 296-19A-130 "What are the requirements for a forensic evaluation?"

WAC 296-19A-135 "What reports does the department require when forensic services are provided?"

WAC 296-19A-140 "What information must a provider include in a labor market survey?"

WAC 296-19A-170 "What information must a provider include in a job analysis?"

WAC 296-19A-180 "What job modification assistance benefits are available?"

WAC 296-19A-190 "How much is available for job modification assistance?"

WAC 296-19A-191 "What prejob accommodations are available?"

WAC 296-19A-192 "How much is available for prejob accommodations?"

WAC 296-19A-193 "What are the requirements for pre-job accommodations?"

WAC 296-19A-200 "How does an employer apply for job modification assistance?"

WAC 296-19A-210 "What are the qualifications to provide vocational rehabilitation services to industrially injured or ill workers?"

WAC 296-19A-230 "Why does the department audit vocational rehabilitation providers?"

WAC 296-19A-240 "What authority does the department have to audit vocational rehabilitation providers?"

WAC 296-19A-245 "What is the department's formal appeal process?"

WAC 296-19A-260 "What are the possible consequences for a provider that does not comply with the RCWs, WACs or department policies?"

WAC 296-19A-270 "In what situation(s) can the department take corrective action(s)?"

WAC 296-19A-300 "How does the department evaluate performance when a vocational rehabilitation provider does not have either a performance rating with the department or previous experience delivering services to Washington injured workers?"

WAC 296-19A-350 "What are the requirements for case notes?"

WAC 296-19A-400 "What records are vocational rehabilitation providers required to maintain?"

WAC 296-19A-440 "What elements of a vocational determination may be disputed?"

(3) All remaining sections of chapter 296-19A WAC shall remain in full force and effect.

WSR 04-08-047

PERMANENT RULES

**PROFESSIONAL EDUCATOR
STANDARDS BOARD**

[Filed April 1, 2004, 10:49 a.m.]

Date of Adoption: March 23 [24], 2004.

PERMANENT

Purpose: To provide an exemption for out-of-state certified teachers to meet the teacher certification basic skills test requirement.

Statutory Authority for Adoption: RCW 28A.410.220.

Adopted under notice filed as WSR 04-04-105 on February 4, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

April 1, 2004

Jennifer Wallace
Executive Director

NEW SECTION

WAC 181-01-002 WEST-B exemptions. Individuals from out of state applying for a Washington State residency teaching certificate under WAC 180-79A-257 (1)(b), in lieu of passing the WEST-B, may provide official documentation of scores on the Praxis I of 177 for the reading subtest, 176 for the mathematics subtest and 174 for the writing subtest, or passing scores from California or Oregon on the CBEST.

WSR 04-08-048

PERMANENT RULES

PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed April 1, 2004, 10:51 a.m.]

Date of Adoption: March 23 [24], 2004.

Purpose: To provide more time for out-of-state teachers to meet the subject knowledge testing requirement for Washington teacher certification.

Statutory Authority for Adoption: RCW 28A.410.220.

Adopted under notice filed as WSR 04-04-106 on February 4, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

April 1, 2004

Jennifer Wallace
Executive Director

NEW SECTION

WAC 181-01-003 WEST-E time extension. Individuals applying for a Washington State residency or professional teaching certificate based on WAC 180-79A-257 and possessing at least 3 years state certified teaching experience have up to one calendar year from issuance of the temporary permit to pass the WEST-E subject knowledge test, provided they are eligible for a temporary permit under WAC 180-79A-128.

WSR 04-08-054

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed April 2, 2004, 9:07 a.m.]

Date of Adoption: March 19, 2004.

Purpose: The purpose of the amendments to this rule is to provide some flexibility in the manner in which the Professional Education and Certification Office notifies holders of certificates which require clock hours for maintenance of these requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 180-85-105.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 04-04-085 on February 3, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
 March 24, 2004
 Larry Davis
 Executive Director

Effective Date of Rule: Thirty-one days after filing.
 March 25, 2004
 Larry Davis
 Executive Director

AMENDATORY SECTION (Amending WSR 90-12-076, filed 6/1/90, effective 7/2/90)

WAC 180-85-105 SPI initial notice to certificate holders of continuing education requirement. Upon issuance or reinstatement of an affected professional certificate, the superintendent of public instruction shall notify the holder of the lapse date and ~~((shall provide such holder with a written explanation of))~~ the continuing education requirements of this chapter and the holder's responsibility to keep accurate records demonstrating attendance at approved in-service education programs. In addition, the superintendent of public instruction shall ~~((provide))~~ make available to the certificate holder ~~((with))~~ a form ~~((to be completed by the certificate holder))~~ which indicates compliance with the continuing education requirements and which includes instruction for filing the report with the superintendent of public instruction.

WSR 04-08-055
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed April 2, 2004, 9:09 a.m.]

Date of Adoption: March 19, 2004.

Purpose: To adopt changes to chapter 180-20 WAC. These changes included updating the definitions section, modifying the process for temporary authorizations, added new language regarding the training and qualifications of school bus driver instructors, and more clearly defined the minimum requirements of school bus drivers.

Citation of Existing Rules Affected by this Order: Amending 3 [WAC 180-20-009, 180-20-101, and 180-20-111].

Statutory Authority for Adoption: RCW 28A.160.210.

Adopted under notice filed as WSR 04-04-087 on February 3, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 3, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

AMENDATORY SECTION (Amending WSR 02-18-055, filed 8/28/02, effective 9/28/02)

WAC 180-20-009 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) ("~~Student~~" means the following:

~~(a) Any person enrolled in a school program who is under the supervision, direction, or control of the motor vehicle operator authorized under this chapter;~~

~~(b) Any person enrolled in a school program in any public school served by the motor vehicle operator;~~

~~(c) Any person enrolled in a school program in any public school while attending a school related activity at which the motor vehicle operator is performing professional duties; or~~

~~(d) Any former student who is under eighteen years of age and who has been under the supervision, direction, or control of the motor vehicle operator. Former student, for the purpose of this section, includes, but is not limited to, drop-outs, graduates, and students who transfer to other districts or schools.~~

~~(2))~~ (2) "School bus driver" means a person, who is employed by a school district including contracted drivers under WAC 180-20-031 (1) and (2) and as part of that employment or contract, operates a school bus as defined in WAC 392-143-010, as well as other motor vehicles for the regularly scheduled transportation of students between home and school, and for school related activities on routinely scheduled routes. School buses shall be operated by authorized drivers when transporting students. An authorized school bus driver may also transport students on field trips and other school related activities.

~~((3))~~ (2) "A school bus driver's authorization" means an authorization issued by the superintendent of public instruction indicating that the person has met state board of education requirements to operate a school bus or other motor vehicle for the purpose of transporting students to and from school routinely on scheduled routes and/or school activities.

~~((4))~~ (3) "School bus driver instructor's ~~((endorsement))~~ authorization" means an ~~((endorsement))~~ authorization issued by the superintendent of public instruction to a person successfully completing the superintendent of public instruction approved school bus driver instructor course. This ~~((endorsement))~~ authorization qualifies a person to train and verify the training of school bus drivers. This ~~((endorsement))~~ authorization shall lapse unless the holder successfully completes an annual school bus driver instructor's in-service course.

~~((5))~~ (4) "School bus driver training course" means a course established by the superintendent of public instruction and taught by ~~((a-qualified))~~ an authorized school bus driver instructor. This course shall be successfully completed by all applicants for a continuing school bus driver's authorization.

PERMANENT

~~((6))~~ (5) "School bus driver annual in-service training course" means an annual course taught by ~~((a-qualified))~~ an authorized school bus driver instructor. The content and minimum time requirements of such course shall be annually determined by the superintendent of public instruction and shall be required to be completed by the end of the school year by all authorized school bus drivers.

~~((7))~~ (6) "School bus driver instructor's course" means a training program authorized by the superintendent of public instruction to qualify a person as a school bus driver instructor.

~~((8))~~ (7) "Instructor's annual in-service course" means an annual required course, the content of which shall be determined by the superintendent of public instruction. Successful completion of this course prevents the instructor's ~~((qualification))~~ authorization from lapsing.

~~((9))~~ (8) "Serious behavioral problem" includes, but is not limited to, conduct which indicates unfitness to carry out the responsibilities related to the occupation or job performance of transporting children, such as: Dishonesty; immorality; or misuse of alcohol, a controlled substance, or a prescription drug; or furnishing alcohol or controlled substances to a minor or student.

NEW SECTION

WAC 180-20-021 Training and qualifications of school bus driver instructors—Administration. It shall be the responsibility of the superintendent of public instruction to administer the program of training and qualifications of school bus driver instructors consistent with the provisions of this chapter. The superintendent of public instruction shall determine the qualifications necessary for applicants for the school bus driver instructor course and qualifications necessary for continuation of the school bus driver instructor authorization. Each school bus driver instructor shall verify annually that they continue to meet said qualifications. Intentional falsification of school bus driver training records shall result in permanent disqualification. In the case of denial of authorization or disqualification, the superintendent of public instruction shall provide an appeal process consistent with the provisions of this chapter.

AMENDATORY SECTION (Amending WSR 02-18-055, filed 8/28/02, effective 9/28/02)

WAC 180-20-101 Minimum qualifications of school bus drivers. (1) Every school bus driver must meet and continue to meet the following minimum requirements:

(a) Be at least twenty-one years of age.

(b) Have a valid driver's license or commercial driver's license, as required by law, issued by the state department of licensing.

(c) Have at least one year of experience as a driver of a truck or commercial vehicle requiring a special endorsement or, in the alternative, at least three years of experience as a driver of a passenger vehicle.

(d) Hold a current and valid first-aid card or equivalent which certifies that the applicant has completed a course in the basic principles of first aid.

(e) Submit to the school district a disclosure of all crimes against children or other persons and all civil adjudications in a dependency action or in a domestic relation action and all disciplinary board final decisions of sexual abuse or exploitation or physical abuse as required by RCW 43.43.834(2) and disclosure of all convictions which may be grounds for denial of authorization under (h), (i), and (j) of this subsection.

(f) Submit to a criminal record check according to chapter 28A.400 RCW which shows that no offenses have been committed which would be grounds for denial of an authorization.

(g) Shall not have misrepresented or concealed a material fact in obtaining a school bus driver's authorization or in reinstatement thereof in the previous five years.

(h) Shall not have had a driving license privilege suspended or revoked as a result of a moving violation as defined in WAC 308-104-160 within the preceding three years or have had their commercial driver's license suspended or revoked within the preceding three years; a certified copy of the suspension or revocation order issued by the department of licensing being conclusive evidence of the suspension or revocation.

(i) Shall not have incurred three or more speeding tickets ~~((in excess))~~ of ten miles per hour or more over the speed limit within ~~((any twelve-month period, within))~~ the last thirty-six months.

(j) Shall not have been convicted of any misdemeanor, gross misdemeanor, or felony (including instances in which a plea of guilty or nolo contendere is the basis for the conviction) nor under a deferred prosecution under chapter 10.05 RCW where the conduct or alleged conduct is related to the occupation of a school bus driver, including but not limited to the following:

(i) Any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, sexual exploitation of a child under chapter 9.68A RCW; sexual offenses under chapter 9A.44 RCW where a minor is the victim; promoting prostitution of a minor under chapter 9A.88 RCW; the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction;

(ii) Any crime involving the use, sale, possession, or transportation of any controlled substance or prescription within the last seven years: Provided, That in the case of felony convictions, the applicable time limit shall be ten years;

(iii) Any crime involving driving when a driver's license is suspended or revoked, hit and run driving, driving while intoxicated, being in physical control of motor vehicle while intoxicated, reckless driving, negligent driving of a serious nature, vehicular assault or vehicular homicide, within the last three years;

(iv) Any crime against children or other persons as defined in RCW 43.43.830(5) when the date of the conviction or prison release, which ever is more recent, is within ten years of the date of the job application for felonies and within seven years for other crimes.

(k) Shall not have been found in any dependency action under RCW 13.34.030 to have sexually assaulted or exploited any minor or to have physically abused any minor, within the last seven years.

(l) Shall not have been found by a court in a domestic relation proceeding under Title 26 RCW, to have sexually abused or exploited any minor or to have physically abused any minor, within the last seven years.

(m) Shall not have been found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person, within the last seven years.

(n) Shall not have intentionally and knowingly transported public school students within the state of Washington within the previous five years with an expired, lapsed, surrendered, or revoked school bus driver's authorization in a position for which authorization is required under this chapter. Shall not have intentionally and knowingly transported public school students within the state of Washington within the previous five years with a suspended driver's license.

(o) Shall not have a serious behavioral problem which endangers the educational welfare or personal safety of students, teachers, bus drivers, or other colleagues. This subsection shall not be applied so as to deny, revoke, or suspend authorizations to any individual for the orderly exercise during off-duty hours of any rights guaranteed under the law to citizens generally, except where such conduct indicates a safety risk for the transportation of students.

(2) Every school bus driver must also meet and continue to meet the following requirements:

(a) Verification by a local school district that the person seeking a school bus driver authorization:

(i) Is physically able to maneuver and control a school bus under all driving conditions; and

(ii) Is physically able to use all hand/or foot operated controls and equipment found on state minimum specified school buses; and

(iii) Is physically able to perform daily routine school bus vehicle safety inspections and necessary emergency roadside services; and

(iv) Has sufficient strength and agility to move about in a school bus as required to provide assistance to students in evacuating the bus. The driver must be able to move from a seated position in a sixty-five passenger school bus, or the largest school bus the driver will be operating, to the emergency door, open the emergency door, and exit the bus through the emergency door, all within twenty-five seconds.

(b) Provide verification of passing a medical examination every twenty-four months in accordance with the standards established in 49 C.F.R. 391.41 through 391.49, of the Federal Motor Carrier Safety Regulations. School bus drivers must continue to meet these medical examination requirements during the time between examinations. This requirement does not prevent a school district from requesting a more frequent examination.

(c) Satisfactorily complete a ((~~comprehensive~~)) school bus driver training course and each year thereafter, satisfactorily complete a school bus driver in-service training course.

AMENDATORY SECTION (Amending WSR 02-18-055, filed 8/28/02, effective 9/28/02)

WAC 180-20-111 Authorization required—Duration—Issuing procedures—Temporary authorizations.

(1) Every school bus driver shall meet the requirements for a school bus driver's authorization or temporary school bus driver's authorization issued in accordance with the provisions of this chapter. An authorization is no longer valid if suspended, lapsed, or revoked.

(2) A school bus driver's authorization shall continue in effect from year to year as long as the person continues to meet the requirements of this chapter or until the authorization lapses or is suspended or revoked.

(3) School bus driver authorizations shall be issued by the superintendent of public instruction upon request by an authorized representative of the employing school district. The employing school district shall forward to the superintendent of public instruction an application for a school bus driver authorization prior to issuance.

(4) The following verifications relating to the applicant must be provided by the employing school district:

(a) Verification by a school bus driver instructor of successful completion of the school bus driver training course as required by this chapter.

(b) Verification that it has on file a medical health certification as required by this chapter.

(c) Verification that it has on file a current five-year complete driver's abstract, including departmental actions, of the applicant's employment and nonemployment driving record issued by the department of licensing verifying compliance with all provisions of this chapter. The issue date of this abstract must be within sixty calendar days of the date the application is being submitted for authorization.

(d) Verification that the applicant has a current and valid first-aid card or equivalent.

(e) Verification that it has on file a disclosure statement in compliance with preemployment inquiry regulations in WAC 162-12-140, signed by the applicant, specifying all convictions which relate to fitness to perform the job of a school bus driver under WAC 180-20-101 and all crimes against children or other persons, that meets the requirements of RCW 43.43.834(2).

(f) Verification that it has on file the results of a criminal record check as required under chapter 28A.400 RCW and that such results establish that the applicant has not committed any offense which constitutes grounds for denying, suspending, or revoking an authorization under this chapter.

(g) Verification that it has on file an applicant's disclosure of all serious behavioral problems which explains the nature of all such problems and/or conditions, a listing of the names, addresses, and telephone numbers of all doctors, psychologists, psychiatrists, counselors, therapists, or other health care practitioners of any kind or hospitals, clinics, or other facilities who have examined and/or treated the applicant for such problems and/or conditions and dates of examinations, therapy, or treatment and the school district has determined that any reported serious behavioral problem does not endanger the education welfare or personal safety of students, teachers, bus drivers, or other colleagues.

(h) Verification that the applicant complies with all of the requirements for school bus drivers set forth in this chapter.

(5)(a) Upon approval of an application, the superintendent of public instruction shall issue a notice of school bus driver authorization to the employing school district.

(b) Subsequent authorizations for an individual driver with new or additional employing school districts must be issued from the superintendent of public instruction to such districts prior to the operation of any motor vehicle for the transportation of children.

(6) On or before August 15 of each year, the superintendent of public instruction will provide each school district with a list of authorized drivers and their status.

(7) A temporary authorization may be issued (~~by an educational service district superintendent~~) upon application by an authorized representative of the employing school district subject to compliance with the following provisions:

(a) Issuing procedure.

(i) Application for a temporary authorization must be approved by an authorized representative of the employing school district, verified by said school official that the applicant meets the qualification requirements set forth in WAC 180-20-101 (except for a course in first aid and/or the results of a requested criminal record check), and further verified by a school bus driver instructor that the applicant has satisfactorily completed the school bus driver training course, as defined in this chapter. (~~The application shall be submitted to the educational service district superintendent for approval.~~)

(ii) Upon approval (~~of the application by the educational service district superintendent,~~) the temporary authorization will be transmitted to the employing school district.

(b) Effective period. The temporary authorization shall be valid for a period of sixty calendar days and shall be non-renewable: Provided, That the (~~issuing educational service district superintendent may extend such period~~) temporary authorization may be extended for a reasonable number of days when extenuating circumstances exist.

WSR 04-08-060
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD
 [Filed April 5, 2004, 10:20 a.m.]

Date of Adoption: March 25, 2004.

Purpose: The rule provides a limited two-year exception to the existing rule prohibiting the award from exceeding the value of public sector tuition and fees. Under the rule, the value of the state need grant award may exceed tuition by \$50 in both the 2003-2004 and 2004-2005 years.

Citation of Existing Rules Affected by this Order: Amending WAC 250-20-041.

Statutory Authority for Adoption: Chapter 28B.80 RCW.

Other Authority: RCW 28B.10.822.

Adopted under notice filed as WSR 04-03-108 on January 20 [21], 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

April 5, 2004

John Klacik

Associate Director

AMENDATORY SECTION (Amending WSR 99-16-015, filed 7/23/99, effective 8/23/99)

WAC 250-20-041 Award procedure. (1) The institution will offer grants to eligible students from funds reserved by the board. It is the institution's responsibility to ensure that the reserve is not over expended within each academic year.

(2) The state need grant award for an individual student shall be the base grant, appropriate for the sector attended and a dependent care allowance, if applicable, adjusted for the student's family income and rate of enrollment. Each eligible student receiving a grant must receive the maximum grant award for which he or she is eligible, unless such award should exceed the student's overall need or the institution's approved gift equity packaging policy.

(3) The grant amount for students shall be established as follows:

(a) The award shall be based on the representative average tuition, service, and activity fees charged within each public sector of higher education. The average is to be determined annually by the higher education coordinating board.

(b) Except for the 2003-04 and 2004-05 academic years, the base grant award shall not exceed the actual tuition and fees charged to the eligible student. During the 2003-04 and 2004-05 years the grant award may exceed the tuition charged to the eligible student by fifty dollars.

(c) The base grant award for students attending independent four-year institutions shall be equal to that authorized for students attending the public four-year research institutions. The base grant for students attending private vocational institutions shall be equal to that authorized for students attending the public community and technical colleges.

(4) The total state need grant award shall be reduced for students with family incomes greater than fifty percent of the state's median and for less than full-time enrollment.

(a) Students whose incomes are equal to fifty-one percent to seventy-five percent of the state's median family income shall receive seventy-five percent of the maximum award. Students whose incomes are equal to seventy-six percent to one hundred percent of the state's median family

PERMANENT

income shall receive fifty percent of the maximum award. Students whose incomes are equal to one hundred one percent to one hundred twenty-five percent of the state's median family income shall receive twenty-five percent of the maximum award.

(b) Eligible students shall receive a prorated portion of their state need grant for any academic period in which they are enrolled at least half-time, as long as funds are available. Students enrolled at a three-quarter time rate, at the time of disbursement, will receive seventy-five percent of their grant. Students enrolled half-time at the time of disbursement will receive fifty percent of their grant.

(5) Depending on the availability of funds, students may receive the need grant for summer session attendance.

(6) The institution will be expected, insofar as possible, to match the state need grant with other funds sufficient to meet the student's need. Matching moneys may consist of student financial aid funds and/or student self-help.

(7) All financial resources available to a state need grant recipient, when combined, may not exceed the amount computed as necessary for the student to attend a postsecondary institution. The student will not be considered overawarded if he or she receives additional funds after the institution awards aid, and the total resources exceed his or her financial need by \$200 or less by the end of the academic year.

(8) The institution shall ensure that the recipient's need grant award, in combination with grant aid from all sources, not exceed seventy-five percent of the student's cost-of-attendance. In counting self-help sources of aid, the aid administrator shall include all loans, employment, work-study, scholarships, grants not based on need, family contribution, and unmet need.

(9) The institution will notify the student of receipt of the state need grant.

(10) Any student who has received at least one disbursement and chooses to transfer to another participating institution within the same academic year may apply to the board for funds to continue receipt of the grant at the receiving institution.

WSR 04-08-062

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed April 5, 2004, 1:15 p.m.]

Date of Adoption: April 5, 2004.

Purpose: With this rule-making order, the department is adopting chapter 16-170 WAC, Special temporary permits for slaughtering pastured chickens, to implement chapter 397, Laws of 2003 (ESHB 1754). ESHB 1754 directed the department to adopt, by rule, requirements for a special, temporary permit regulating the slaughter, preparation and sale of pastured chickens by agricultural producers directly to their ultimate consumers at the producer's farm. Chapter 397, Laws of 2003 (ESHB 1754) limited the slaughter, preparation and sale by the producer to one thousand or fewer birds in a calendar year and set the special temporary permit fee at seventy-five dollars.

Statutory Authority for Adoption: Chapter 397, Laws of 2003 and chapter 69.07 RCW, Washington Food Processing Act.

Other Authority: Chapter 34.05 RCW, Administrative Procedure Act.

Adopted under notice filed as WSR 04-05-119 on February 18, 2004.

Changes Other than Editing from Proposed to Adopted Version: Based upon comments received at the public hearings, the department made minor revisions to the proposed language in WAC 16-170-125(3) and 16-170-150(4).

Revision to Proposed Language in WAC 16-170-125(3): A public hearing comment alerted the department to the fact that [they] had used the word "thermoses," which is a brand name, in WAC 16-170-125(3) and suggested that the department might want to use another term. The department agreed and has changed the word "thermoses" to "containers." WAC 16-170-125(3) is revised as follows:

(3) If hand washing stations are not conveniently located in your slaughter site and near your toilet facilities, five-gallon insulated (~~thermoses~~) containers with continuous flow spigots filled with warm water between one hundred and one hundred and twenty degrees Fahrenheit with pump type liquid soap, paper towels and five-gallon buckets to catch rinse water are required on-site and near your toilet facilities.

Revision to Proposed Language in WAC 16-170-150(4): The department received another public hearing comment suggesting that we change the word "bleach" in WAC 16-170-150(4) to a more specific term. The proposed rule uses "bleach" as a generic term but the type of bleach required by the rule is one that must be registered with the EPA and not all bleaches must be registered. The comment also noted that there are gradations of strength in bleaches and suggested that we should identify a required acceptable strength in the rule. The department agreed and has revised the proposed language in WAC 16-170-150(4) as follows:

(4) You must keep a separate bucket of sanitizer in your slaughter site for rinsing/storing the wipe down cloths used to sanitize all slaughter equipment and slaughter/preparation contact surfaces. The sanitizing solution in the bucket (~~which at a minimum should be one teaspoon of liquid bleach for each gallon of cool water, should be changed every one to two hours while you are slaughtering chickens~~) should be at a minimum 100 ppm (mg/L) for chlorine solution of 50 ppm (mg/L) for iodine solution.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 26, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 26, Amended 0, Repealed 0.

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

April 5, 2004

Valoria H. Loveland

Director

Chapter 16-170 WAC

SPECIAL TEMPORARY PERMITS FOR SLAUGHTERING PASTURED CHICKENS

NEW SECTION

WAC 16-170-010 What is the purpose of this chapter? The purpose of this chapter is to implement chapter 397, Laws of 2003 by establishing rules regulating the:

(1) Issuance of special temporary permits regulating the slaughter, preparation and sale of one thousand or fewer whole raw pastured chickens in a calendar year by the agricultural producer of those chickens when the chickens are sold directly to the ultimate consumer at the producer's farm.

(2) Conditions under which the pastured chickens identified in this section are slaughtered, prepared and sold.

NEW SECTION

WAC 16-170-020 What definitions are important to this chapter? (1) In addition to the definitions contained in this section, definitions found in chapters 69.04 and 69.07 RCW and Title 21 CFR may apply.

(2) For the purposes of this chapter, the following definitions apply:

"Adequate" means that which is needed to accomplish the intended purpose in keeping with good public health practices.

"Agricultural producer" means a person or persons who raise pastured chickens and who slaughter and sell one thousand or fewer of the chickens from their farm directly to the ultimate consumer.

"Authorized person" means a person or persons who work with the agricultural producer in the preparation and slaughter of pastured chickens under this chapter.

"Chicken" means the species *Gallus domesticus*.

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

"Director" means the director of the WSDA.

"Pastured chicken" means a chicken that has lived on pasture, range, or ground covered with vegetation that is suitable for grazing, during at least half the life span of the animal.

"Potable water" means water that is:

- (a) Safe and sanitary;
- (b) Free from coliform; and
- (c) From an approved and monitored source.

"Sanitize" means to adequately treat chicken slaughtering, preparation and sale surfaces by a process that is effective in destroying vegetative cells of microorganisms of public health significance, and in substantially reducing numbers of other undesirable microorganisms, but without adversely

affecting the whole raw chicken or its safety for the consumer.

"Temporary permit" means a permit to slaughter chickens covered by this chapter, which is valid for the calendar year for which it is issued.

NEW SECTION

WAC 16-170-030 Who is required to obtain a temporary special permit to slaughter, prepare and sell pastured chickens? If you are an agricultural producer of pastured chickens who slaughters and prepares one thousand or fewer pastured chickens in a calendar year and sells those chickens as whole raw chickens from your farm to the ultimate consumer, you must obtain a temporary special permit before you slaughter.

NEW SECTION

WAC 16-170-035 How can I obtain a temporary special permit? (1) You can request an application for a temporary special permit by:

Writing to:

Washington State Department of Agriculture
Food Safety Program
P.O. Box 42560

Olympia, WA 98504-2560; or

Calling 360-902-1876; or

Faxing to 360-902-2087; or

Accessing website <http://agr.wa.gov>.

(2) The department must receive your completed application packet along with check or money order for seventy-five dollars at least six weeks before you plan to slaughter chickens.

Your application packet must include:

- (a) A completed application form;
- (b) A diagram of your slaughter/preparation site;
- (c) A description of your processing steps or a process flow diagram;
- (d) The proposed days or dates of slaughter;
- (e) A description of your rinse water and offal disposal procedures; and
- (f) Documentation verifying that the water you use at your slaughter/preparation site complies with the requirements in WAC 16-170-155.

(3) Once WSDA receives your application, you will be contacted for an on-site inspection before your special temporary permit can be further processed or issued.

(4) Once received, your permit must be prominently and conspicuously posted at your slaughter facility so your customers can see it.

(5) You are prohibited from slaughtering, preparing and selling chickens regulated by this chapter until you receive your special temporary permit.

NEW SECTION

WAC 16-170-037 What type of slaughter/preparation site diagram is required? (1) Your site diagram must clearly show the location of all slaughter and preparation equipment, contact work surfaces, chilling equipment, equip-

ment washing and sanitizing sinks or tubs, hand washing areas, rinse water and offal collection areas and chicken rearing areas.

(2) Everything illustrated on your site diagram must be clearly labeled.

NEW SECTION

WAC 16-170-040 How long is my temporary special permit valid? Subject to the one thousand chicken limit described in chapter 397, Laws of 2003, your temporary special permit is valid for the calendar year in which it is issued.

NEW SECTION

WAC 16-170-050 Must I notify the department before I change the dates I plan to slaughter my chickens? If you wish to slaughter pastured chickens on dates other than those requested in your application, you must notify the department by mail, e-mail, fax or by telephone with a written confirmation at least one week before you slaughter any chickens regulated by this chapter.

NEW SECTION

WAC 16-170-060 What happens when I reach the one thousand chicken limit in the statute? When you have slaughtered and sold one thousand whole raw pastured chickens to ultimate consumers from your farm in a calendar year, you no longer qualify for a temporary special permit for the remainder of the calendar year. Agricultural producers who slaughter more than one thousand chickens must comply with the requirements of chapter 69.07 RCW.

NEW SECTION

WAC 16-170-070 What are the site requirements for slaughtering, preparing and selling chickens covered by this chapter? At a minimum, your slaughter/preparation site must:

- (1) Be constructed or assembled to minimize insects, pests, birds, dust, mud and overhead contamination;
- (2) Include adequate lighting to illuminate the areas where chickens are slaughtered, prepared and sold;
- (3) Have an adequate hand washing station;
- (4) Be readily accessible to a toilet facility;
- (5) Include potable running water;
- (6) Include a means of safely disposing of rinse water and offal; and
- (7) Means of properly cooling slaughtered chickens unless the customer takes possession within four hours.

NEW SECTION

WAC 16-170-075 What requirements apply to the equipment used to slaughter, prepare and sell chickens covered by this chapter? All equipment must be readily cleanable and in good repair.

NEW SECTION

WAC 16-170-080 Can a mobile processing unit be used to slaughter, prepare and sell pastured chickens covered by this chapter? If the mobile processing unit (MPU) is a self-contained processing unit that meets all of the conditions designed for the sanitary processing of chickens under this chapter, a MPU may be used.

NEW SECTION

WAC 16-170-090 Who can be in my slaughter site while the slaughter-preparation process is taking place? (1) Only authorized persons can be in your slaughter site while the slaughter-preparation process is taking place. Unauthorized persons must be kept out of the site.

(2) Any authorized person infected with a communicable disease, has open sores or infected cuts on hands, is vomiting or has diarrhea is prohibited from working in your slaughter site.

(3) Authorized persons are prohibited from smoking, eating or drinking while in your slaughter site.

NEW SECTION

WAC 16-170-100 Must I wear protective clothing while slaughtering, processing and selling pastured chickens covered by this chapter? (1) Anyone slaughtering, preparing and selling pastured chickens covered by this chapter must:

(a) Wear clean and adequate clothing.

"Clean and adequate" means that the clothing must be:

(i) Clean at the start of the slaughter-preparation-sale process; and

(ii) Changed when the clothing becomes soiled when contamination of the raw whole chicken, any process work surface, the equipment used to chill slaughtered chickens or the bags used to transport chickens that are sold becomes imminent; and

(iii) Suitable to the specific part of the process (slaughter, preparation or sale) in which you are engaged.

(b) Remove hand jewelry that cannot be adequately sanitized during periods when carcasses are handled by hand. If such hand jewelry cannot be removed, impermeable or disposable gloves must be worn.

(c) Maintain gloves, if they are used in processing, in an intact, clean, and sanitary condition. The gloves should be of an impermeable material.

(2) Clean and effective hair restraints, such as hairnets or beard nets are not required, but hats, caps, scarves or other head covers are recommended to prevent contamination of the whole raw chickens being slaughtered, prepared and sold.

NEW SECTION

WAC 16-170-110 Can I store personal garments and belongings in my slaughter site? All personal garments and belongings must be stored separately and apart from your slaughter site to ensure that they do not become a source of contamination to the raw whole chickens, slaughter and prep-

aration work surfaces and equipment, and the bags used to transport chickens that are sold.

NEW SECTION

WAC 16-170-115 Can I store detergents, sanitizers and other materials in my slaughter site? (1) You can store commercially purchased detergents, sanitizers and other materials related to the process in your slaughter site if they are properly labeled with:

- (a) Product name;
- (b) Chemical description;
- (c) Directions for use;
- (d) Any required precautionary and warning statements;
- (e) First-aid instructions;
- (f) Name and address of the manufacturer or distributor;

and

(g) Any other information required by the U.S. Environmental Protection Agency or other laws or rules.

(2) You can store small "transport" or "use" containers containing detergents, sanitizers or other materials in your slaughter site but only under the following conditions:

(a) The contents must be properly identified on the container. Labeling the container with the common name is acceptable if the original commercially purchased storage container is on hand and properly identified.

(b) Food containers must not be used as containers for detergents, sanitizers or toxic materials.

(c) Containers used for detergents, sanitizers or other materials must not be used as food containers.

NEW SECTION

WAC 16-170-120 Must I wash my hands before slaughtering chickens? (1) You must adequately wash your hands:

- (a) Before you begin the slaughtering process;
- (b) Between the slaughtering and preparation steps in the process;
- (c) Between the preparation and sale steps in the process;
- (d) After each absence from the slaughter facility; and
- (e) Any time your hands become contaminated.

(2) "Adequately washing your hands" means thoroughly washing your hands to prevent contaminating your slaughtered chickens. Adequate hand washing methods consist of:

- (a) Applying soap to your hands;
- (b) Using warm water;
- (c) Scrubbing your hands thoroughly; and
- (d) Using methods to rinse and dry your hands that prevent contamination.

NEW SECTION

WAC 16-170-125 Are hand washing stations required at my chicken slaughter site? (1) Anyone involved in your chicken slaughter process must have access to at least one hand washing station equipped with warm running water, hand soap, and paper towels.

(2) Hand washing stations must be conveniently located in your slaughter site and near your toilet facilities.

(3) If hand washing stations are not conveniently located in your slaughter site and near your toilet facilities, five-gallon insulated containers with continuous flow spigots filled with warm water between one hundred and one hundred and twenty degrees Fahrenheit with pump type liquid soap, paper towels and five-gallon buckets to catch rinse water are required on-site and near your toilet facilities.

NEW SECTION

WAC 16-170-130 Can I use hand dips at my chicken slaughter site? (1) "Hand dips" or "hand sanitizing stations" are recommended but not required in your chicken slaughter site. Sanitizing your hands using hand dips or hand sanitizing stations is not a substitute for adequate hand washing methods.

(2) However, if you use hand dips, they must be properly positioned and maintained.

(3) "Properly maintained" means sanitizing solutions are:

- (a) Checked and recharged to a strength equal to 100 PPM chlorine or 25 PPM iodine; and
- (b) Changed every four hours while in use.

NEW SECTION

WAC 16-170-135 Do I need a toilet near my chicken slaughter site? (1) At least one toilet must be available and conveniently located at your chicken slaughter site.

(2) A domestic toilet is sufficient if your slaughter operation is a family operation where only family members are employed. However, if you have employees, you must provide toilet facilities at your slaughtering site or allow your employees to use your domestic toilet.

(3) Portable chemical toilets may be used if they are conveniently located with a self-closing door, screened to exclude insects, and properly maintained.

(4) All nondomestic toilet areas must be kept clean, free of trash and litter, and in good repair. All doors used to enter the nondomestic toilet area must be self-closing and must not open directly into your slaughter site.

NEW SECTION

WAC 16-170-140 What offal and rinse water disposal requirements apply to my chicken slaughter site? Your chicken slaughter site must be designed and maintained to ensure that the:

(1) Offal and rinse water the site generates are readily and safely removed; and

(2) Offal and rinse water do not create an unsanitary condition or contaminate:

- (a) The raw whole chickens that you slaughter;
- (b) Any potable water stored and used at your slaughter site;
- (c) Any product contact surfaces at your slaughter site; or
- (d) Any bags used to package raw whole chickens sold to your ultimate consumers.

(3) Your rinse water disposal system must not allow any backflow from or cross connection between the piping that

discharges rinse water and the piping that carries potable water to the chicken slaughter area.

NEW SECTION

WAC 16-170-145 How do I store my chicken slaughter equipment and utensils to prevent contamination? (1) All of your chicken slaughter equipment and utensils must be stored so they will not become contaminated between uses.

(2) All utensils used to slaughter and prepare chickens, such as knives, scrapers, scoops, shovels, cutters, and other hand tools and equipment, must be placed or stored to prevent contact surfaces from being contaminated.

(3) Contaminated equipment and utensils must be cleaned and sanitized before they are used again.

NEW SECTION

WAC 16-170-150 How do I ensure that my chicken slaughter contact surfaces are clean and maintained in a sanitary condition? (1) All contact surfaces of equipment, utensils, containers and other articles used in the slaughter and preparation of chickens, must be kept free of any residue or contaminant that could contaminate or adulterate (as defined in RCW 69.04.210), the raw whole chicken carcass.

(2) Residues and contaminants must frequently be removed from all slaughter and preparation contact surfaces to prevent the residues from becoming:

(a) Unwholesome or unfit for the raw whole chicken carcass;

(b) Decomposed, filthy, or putrid; or

(c) Injurious to public health.

(3) All slaughter and preparation contact surfaces must be sanitized:

(a) Before they are used; and

(b) After they are cleaned.

(4) You must keep a separate bucket of sanitizer in your slaughter site for rinsing/storing the wipe down cloths used to sanitize all slaughter equipment and slaughter/preparation contact surfaces. The sanitizing solution in the bucket should be at a minimum 100 ppm (mg/L) for chlorine solution or 50 ppm (mg/L) for iodine solution.

(5) Any noncarcass contact surfaces of equipment used in the slaughter of chickens must be kept reasonably free of dirt, old slaughter/preparation residues, foreign material, dust, mold, mildew, slime and other accumulations that occur as a result of the slaughter/preparation operation.

NEW SECTION

WAC 16-170-155 What requirements apply to the water used in my slaughter site? (1) Any water you use in the slaughter, preparation or sale of your chickens must be of a safe and sanitary quality, which means the water supply is potable from an approved source and is monitored according to applicable laws and rules.

(2) Processors that operate from single-family residences on private water supplies need only meet bacteriological testing requirements. Optionally, potable water may be hauled onto the site for use by the processor as long as the transport vehicle and water are of safe and sanitary quality.

(3) Copies of your water test reports must be on file at your farm and available for review by WSDA during routine slaughter site inspections.

(4) Any ice you manufacture on your farm for use in your slaughter process must be manufactured from potable water.

(5) All ice that you do not manufacture must be from an approved source.

(6) All ice that you use at your chicken slaughter site must be properly handled and stored to protect against contamination.

NEW SECTION

WAC 16-170-170 What requirements apply to the storing and handling of the bags I give my customers to transport the chickens they purchase from me? (1) All bags that you use to package the slaughtered whole chickens that you sell to your customers must be new, of food grade quality and properly handled and stored, which means they must be protected from potential sources of contamination when they are handled and stored.

(2) Methods of properly handling and storing your bags at your slaughter site include, but are not limited to:

(a) All bags must be stored off of the floor or any other unsanitary surfaces.

(b) All bags must be stored in closed boxes or cartons before they are used.

(c) Bags must be removed from the closed box or carton in a way that prevents contamination.

(d) When a slaughtered whole chicken is inserted into a bag, the bag must be handled so it and the chicken are not exposed to contamination by dust, foreign material or other contaminants.

(e) Any bag dropped on the floor or some other unsanitary surface must not be used.

NEW SECTION

WAC 16-170-175 What requirements apply to the chilling and storing of slaughtered chickens? (1) All slaughtered chickens must be chilled to a temperature at or below forty-five degrees Fahrenheit within four hours of slaughter unless the customer takes possession of the slaughtered chickens during this time.

(2) Chilling may be accomplished through the use of mechanical refrigeration, an ice chest using ice from an approved source (see WAC 16-170-155), or by being immersed in cold running water.

(3) A temperature control (TC) must be used to monitor slaughter cool down temperature by inserting a calibrated thermometer into the thickest portion of the first slaughtered carcass and monitoring the temperature to ensure proper chilling at or below forty-five degrees Fahrenheit within four hours of slaughter.

(4)(a) Slaughtered chickens can be stored for up to forty-eight hours before they are sold.

(b) During their storage period, chicken carcass temperatures must be kept at or less than forty-five degrees Fahrenheit by mechanical refrigeration equipped with a thermometer or by maintaining the carcasses in a properly designed

storage container with the use of a temperature control (TC) as outlined in subsection (3) of this section.

(5) All chilled and/or stored chicken carcasses must be protected from physical, chemical, microbial contamination and deterioration.

NEW SECTION

WAC 16-170-180 What recordkeeping requirements apply to my temporary special permit chicken slaughter operation? (1) At a minimum, you must keep the following records at your farm:

- (a) Your chicken slaughter dates;
 - (b) The number of chickens slaughtered on each slaughter date and the cumulative total of chickens slaughtered;
 - (c) The temperature control log monitoring proper chicken slaughter cool down and storage; and
 - (d) The water testing records if required by WAC 16-170-155.
- (2) All records must be maintained so that the information they intend to convey is clear and understandable.
- (3) All records must be available at your farm and available to department inspectors upon request.
- (4) All records must be retained at the farm for six months after the expiration of the permit.

**WSR 04-08-063
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-72—Filed April 5, 2004, 3:03 p.m.]

Date of Adoption: April 3, 2004.

Purpose: Adopt residency of purchaser rule.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 04-05-068 on February 17, 2004.

Changes Other than Editing from Proposed to Adopted Version: Delete subsections (1) through (6) and substitute the following:

(1) A purchaser of a resident fishing or hunting license is required to be a resident of the State of Washington, and pursuant to RCW 77.08.010(38), must have maintained a permanent place of abode within the state for at least ninety days immediately preceding application for a license, and must establish by formal proof an intent to continue residing in the state. This also applies to persons whose primary residence is Washington but who maintain a residence elsewhere.

(2) The primary method of establishing that the purchaser has maintained a permanent place of abode within the state for at least ninety days immediately preceding application for a license and establishing by formal evidence an intent to continue residing in the state is possession of a Washington state driver's license issued at least ninety days prior to application for a resident fishing or hunting license. Any licensed driver who does not have a Washington driver's license, issued at least ninety days prior to application for a resident fishing or hunting license, will be presumed to have not maintained a permanent place of abode within the state

for at least ninety days immediately preceding application for a license, and will be presumed not to intend to be a Washington resident.

(3) Persons who are not licensed to drive may use a Washington state identification card, issued at least ninety days prior to application for a resident fishing or hunting license, to establish that the person has maintained a permanent place of abode within the state for at least ninety days immediately preceding application for a license and to establish by formal evidence an intent to continue residing in the state.

(4) Persons who are too young to obtain a Washington state driver's license may use a Washington state identification card or a school identification card to establish residency and to establish by formal evidence an intent to continue residing in the state.

(5) Persons who cannot establish having a permanent place of abode within Washington for ninety days preceding license application and cannot establish by formal evidence an intent to continue residing in the state by means of subsection (2), (3), or (4) of this section may submit evidence of residency and intent to continue residing in the state to the department's license office in Olympia, and, upon determination of sufficiency of proof, the licensing office will issue authorization to allow purchase of a resident license. Such evidence shall include, but is not limited to, one or more of the following:

- (a) Becoming a registered voter in this state;
 - (b) Receiving benefits under one of the Washington public assistance programs;
 - (c) Paying higher education tuition fees at resident rates;
 - (d) Maintaining an abode within Washington, as shown by utility bills, a lease agreement, a contract or deed to real property, or a county tax assessment; or
 - (e) Documenting use of a residence address in Washington for federal tax purposes.
- (6) Notwithstanding the provisions of subsections (2) and (3) of this section, a member of the armed forces stationed at a military installation in this state (other than on temporary duty), is eligible to purchase a resident fishing or hunting license after presenting a valid military identification card and evidence that the member is stationed within the state, including, but not limited to, official orders or billeting documents.

(7) Notwithstanding the provisions of this section, proof of residency and intent to continue residing within the state are satisfied by presentation of a resident fishing or hunting license issued to the license applicant during the previous licensing year, showing the purchaser's Washington Interactive License Document (WILD) number, and verbal confirmation by the purchaser that all personal information on the previously issued license remains valid. If the applicant requests a change of any of the personal information on the license, proof of intent to continue residing in the state must be presented as provided for in subsection (2), (3) or (5) of this section.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

April 5, 2004

Susan Yeager

for Will Roehl, Chair

Fish and Wildlife Commission

NEW SECTION

WAC 220-55-061 Residency of purchaser. (1) A purchaser of a resident fishing or hunting license is required to be a resident of the state of Washington, and pursuant to RCW 77.08.010(38), must have maintained a permanent place of abode within the state for at least ninety days immediately preceding application for a license, and must establish by formal proof an intent to continue residing in the state. This also applies to persons whose primary residence is Washington but who maintain a residence elsewhere.

(2) The primary method of establishing that the purchaser has maintained a permanent place of abode within the state for at least ninety days immediately preceding application for a license and establishing by formal evidence an intent to continue residing in the state is possession of a Washington state driver's license issued at least ninety days prior to application for a resident fishing or hunting license. Any licensed driver who does not have a Washington driver's license, issued at least ninety days prior to application for a resident fishing or hunting license, will be presumed to have not maintained a permanent place of abode within the state for at least ninety days immediately preceding application for a license, and will be presumed not to intend to be a Washington resident.

(3) Persons who are not licensed to drive may use a Washington state identification card, issued at least ninety days prior to application for a resident fishing or hunting license, to establish that the person has maintained a permanent place of abode within the state for at least ninety days immediately preceding application for a license and to establish by formal evidence an intent to continue residing in the state.

(4) Persons who are too young to obtain a Washington state driver's license may use a Washington state identification card or a school identification card to establish residency and to establish by formal evidence an intent to continue residing in the state.

(5) Persons who cannot establish having a permanent place of abode within Washington for ninety days preceding license application and cannot establish by formal evidence

an intent to continue residing in the state by means of subsection (2), (3), or (4) of this section may submit evidence of residency and intent to continue residing in the state to the department's license office in Olympia, and, upon determination of sufficiency of proof, the licensing office will issue authorization to allow purchase of a resident license. Such evidence shall include, but is not limited to, one or more of the following:

(a) Becoming a registered voter in this state;

(b) Receiving benefits under one of the Washington public assistance programs;

(c) Paying higher education tuition fees at resident rates;

(d) Maintaining an abode within Washington, as shown by utility bills, a lease agreement, a contract or deed to real property, or a county tax assessment; or

(e) Documenting use of a residence address in Washington for federal tax purposes.

(6) Notwithstanding the provisions of subsections (2) and (3) of this section, a member of the armed forces stationed at a military installation in this state (other than on temporary duty), is eligible to purchase a resident fishing or hunting license after presenting a valid military identification card and evidence that the member is stationed within the state, including, but not limited to, official orders or billeting documents.

(7) Notwithstanding the provisions of this section, proof of residency and intent to continue residing within the state are satisfied by presentation of a resident fishing or hunting license issued to the license applicant during the previous licensing year, showing the purchaser's Washington Interactive License Document (WILD) number, and verbal confirmation by the purchaser that all personal information on the previously issued license remains valid. If the applicant requests a change of any of the personal information on the license, proof of intent to continue residing in the state must be presented as provided for in subsection (2), (3), or (5) of this section.

WSR 04-08-073

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed April 5, 2004, 3:28 p.m.]

Date of Adoption: April 2, 2004.

Purpose: The amendments and additions to chapter 388-148 WAC clarify and add flexibility to the licensing requirements for homes, facilities, and child-placing agencies licensed by Children's Administration, including licensing requirements for a new type of facility, Group Receiving Centers. The changes improve Children's Administration's ability to claim federal funding under the Social Security Act and enhance health and safety for children and youth. See below for a list of new, amended and repealed rules affected by this notice.

Citation of Existing Rules Affected by this Order:

New Amended or Repealed	WAC #	Caption
Amended	388-148-0005	What is the purpose of this chapter?
Amended	388-148-0010	What definitions do I need to know to understand this chapter?
Amended	388-148-0015	Am I required to have a license to provide care to children?
Amended	388-148-0025	How do you decide how many children I may serve in my home or facility?
Amended	388-148-0035	What personal characteristics do I need to provide care to children?
Amended	388-148-0040	What first aid and cardiopulmonary resuscitation (CPA) training is required?
Amended	388-148-0045	What HIV/AIDS training is required?
Amended	388-148-0050	How do I apply for a license?
Amended	388-148-0055	How long do I have to complete the licensing application packet?
Amended	388-148-0058	May I receive more than one in-home family license?
Amended	388-148-0060	May my relative or I be certified by a child-placing agency to be a foster parent and be an employee of that same agency?
Amended	388-148-0065	When may I be certified to provide care to children?
Amended	388-148-0070	Is there a difference between licensing and certification?
Amended	388-148-0075	May I be licensed with the department and certified by a child-placing agency at the same time?
Amended	388-148-0085	Will the department license or continue to license a home or facility if the home or facility does not meet the licensing requirements?
Amended	388-148-0090	Does the department issue a probationary license?
Amended	388-148-0095	When are licenses denied, suspended or revoked?
New	388-148-0098	When is an employee or volunteer disqualified from having unsupervised access to a child at a licensed home, facility, or agency?
Amended	388-148-0100	Are there any other reasons that might cause me to lose my license?
Amended	388-148-0110	What may I do if I disagree with your decision to modify, deny, suspend or revoke my license?
Amended	388-148-0120	What incidents involving children must I report?
Amended	388-148-0125	What are your requirements for keeping client records?
New	388-148-0127	What are the requirements for information kept in facility logs for staffed residential homes and group care programs?
Amended	388-148-0130	What information may I share about a child or a child's family?
Amended	388-148-0135	What changes to my home or facility must I report to my licenser?
Amended	388-148-0140	What personnel policies must I have?
Amended	388-148-0150	Are local ordinances part of the licensing requirements?
Amended	388-148-0165	What are the requirements about the location of my home or facility?
Amended	388-148-0170	What steps must I take to ensure children's safety around outdoor bodies of water?
Amended	388-148-0180	Are alcoholic beverages or illegal drugs allowed at my home or facility?
Amended	388-148-0185	Is smoking permitted around children?
Amended	388-148-0200	Do I need first-aid supplies?
Amended	388-148-0220	What fire safety requirements must I follow to qualify for a license?
Amended	388-148-0225	What safety requirements are there for exits?
Amended	388-148-0230	Are there other fire safety requirements for inside a foster home or staffed residential home licensed for five or fewer children?
Amended	388-148-0235	What are the requirements for smoke detectors for foster homes and staffed residential homes licensed for five or fewer children?
Amended	388-148-0240	What are the requirements for fire extinguishers in homes and facilities?

Amended	388-148-0245	What fire escape measures must be taken for multi-level homes and facilities?
Amended	388-148-0250	What fire safety instructions must I give to children residing in a home or facility?
Amended	388-148-0255	What are the requirements for a fire evacuation plan?
Amended	388-148-0260	What are the general requirements for bedrooms?
Amended	388-148-0265	What are additional requirements for bedrooms for more than one person?
Amended	388-148-0270	What are the requirements for beds?
Amended	388-148-0275	Do I need a telephone at my home or facility?
Repealed	388-148-0285	Do I need a housekeeping sink?
Amended	388-148-0300	How must I ventilate my home or facility?
Amended	388-148-0305	What are the requirements for laundry facilities?
Amended	388-148-0315	What are the requirements for toilets, sinks, and bathing facilities?
Amended	388-148-0320	What are the requirements about drinking water?
Amended	388-148-0325	What are the requirements for sewage and liquid wastes?
Amended	388-148-0335	When must I get a physical exam for a child under my care?
Amended	388-148-0340	What are the requirements for immunizations for children?
Amended	388-148-0345	What must I do to prevent the spread of infections and communicable diseases?
Amended	388-148-0350	What are the requirements for obtaining consent for medical care for children under my care?
New	388-148-0352	What are the requirements for the management of medication for children in my care?
Amended	388-148-0355	May I accept medicine from a child's parent or guardian?
Repealed	388-148-0360	Whom do I notify about medication changes and reactions?
Amended	388-148-0365	When may children take their own medicine?
Amended	388-148-0375	How often must I feed children?
Amended	388-148-0380	How do I handle a child's special diet?
Amended	388-148-0395	What requirements must I meet for feeding babies?
Amended	388-148-0400	What are the requirements for diapers and diaper-changes areas?
New	388-148-0422	What are the requirements for privacy for children in out-of-home placements?
Amended	388-148-0425	What are the requirements about nondiscrimination?
Repealed	388-148-0427	Are there specific requirements regarding Native American children?
Amended	388-148-0430	May I take a foster child to church services, temple, mosque, or synagogue?
Amended	388-148-0445	What toys and activities must I provide to children?
Repealed	388-148-0450	What types of toys must I provide to children?
Amended	388-148-0455	Do I need permission to travel on an overnight trip, or out-of-state with my foster child?
Amended	388-148-0460	What requirements do you have for supervising children?
Amended	388-148-0470	What types of disciplinary practices are forbidden?
Amended	388-148-0480	When may a child be physically restrained?
Amended	388-148-0485	What types of physical restraint are not acceptable for children?
New	388-148-0487	What are the requirements for time-out or quiet rooms?
New	388-148-0488	Are time-delay mechanisms allowed on windows and doors of a facility or staffed residential home licensed for six?
Amended	388-148-0490	What must I do following an incident that involved using physical restraint?
Repealed	388-148-0500	May I receive more than one in-home care license?
Amended	388-148-0520	What are the training requirements for foster parents and prospective foster parents?
Amended	388-148-0525	How many children may my foster home serve?
Amended	388-148-0535	Do I need to have income separate from foster care payments?
Amended	388-148-0540	When may I use respite care?

New	388-148-0551	Who may provide care to a foster child in the foster home when the foster parent is away from the home?
New	388-148-0542	May someone under eighteen supervise a foster child in the foster home?
Amended	388-148-0555	Do I need a social summary for children under my care?
Amended	388-148-0560	Do I need a treatment plan for children under my care?
Amended	388-148-0585	What social service staff do I need?
Amended	388-148-0600	Do I need professional consultants for my program?
Amended	388-148-0605	Is in-service training required?
Amended	388-148-0610	What are the required ratios of social service staff to children under care?
Amended	388-148-0615	Are there specific fire safety requirements for the care of nonambulatory children?
Amended	388-148-0620	What safety features do I need for hazardous areas?
Amended	388-148-0625	What other requirements must I follow for smoke detectors?
Repealed	388-148-0630	What fire prevention measures must I take?
Repealed	388-148-0635	What are the requirements for fire sprinkler systems?
Amended	388-148-0640	What fire safety procedures do staff of a group care facility and a staffed residential home licensed for six children need to know?
Amended	388-148-0645	What are the requirements for fire drills and testing smoke detectors?
Repealed	388-148-0650	What requirements do you have regarding windows in staffed residential homes and group care facilities?
Amended	388-148-0655	Are there different construction and fire safety requirements for facilities that have multiple licenses in the same building?
Amended	388-148-0660	Do mealtimes need to be established?
Amended	388-148-0670	What types of group care programs are licensed to provide care to children?
Amended	388-148-0685	Who may I serve as a group care program provider?
Amended	388-148-0695	Must I give a child an allowance?
Amended	388-148-0700	What are the qualifications for an executive director for a group care program or child-placing agency?
Amended	388-148-0705	Do I need an on-site program manager or social service staff at each group care facility?
Amended	388-148-0710	What are the responsibilities of the on-site program manager or social services staff for a group care facility?
Amended	388-148-0715	What qualifications must the on-site program manager for a group care program or a CPA program manager have?
New	388-148-0718	What are the responsibilities for child care staff at a group care program?
Amended	388-148-0720	What are the qualifications for child care staff or case aides for a group care program and a child-placing agency?
New	388-148-0722	What are the qualifications for health care staff for a group care program or a child-placing agency caring for medically fragile children?
Amended	388-148-0725	What is the ratio of child care staff to children in group care facilities?
Amended	388-148-0730	Are there room requirements for group care facilities?
Repealed	388-148-0735	When do I need a special care room?
Amended	388-148-0750	What maternity services must I provide?
Amended	388-148-0765	What types of health education must I offer expectant and new mothers?
Amended	388-148-0775	Do expectant and new mothers need to be under a physician's care?
Amended	388-148-0785	What is the proper ratio of staff to children in home or group care facilities offering maternity services?
Amended	388-148-0795	How is capacity determined for a maternity services facility?
Amended	388-148-0800	What is the purpose of day treatment programs?
Amended	388-148-0805	What staff must my day treatment program have?

Amended	388-148-0810	What consultants must my day treatment program have?
Amended	388-148-0830	What services must I provide for medically fragile children and children with severe developmental disabilities?
Amended	388-148-0860	Are there room requirements for group care facilities for medically fragile children under age six?
Amended	388-148-0870	What additional record-keeping requirements exist for medically fragile children and children with severe developmental disabilities?
Amended	388-148-0875	What types of crisis residential centers may be licensed?
Amended	388-148-0880	What levels of secure CRCs exist?
Amended	388-148-0885	What are the requirements for a level-one secure CRC?
Amended	388-148-0890	What are the requirements for a level-two secure CRC?
New	388-148-0892	What are the requirements for a level-three secure CRC?
Amended	388-148-0895	May a juvenile detention center operate a separate secure CRC program?
Amended	388-148-0900	What youth may a CRC serve?
Amended	388-148-0905	Can law enforcement officers place youth in secure CRC?
Amended	388-148-0915	What steps must be taken after a youth is admitted into a CRC?
Repealed	388-148-0935	How long may a youth stay at a CRC?
Amended	388-148-0995	What are the ratio requirements of youth care staff to youth in crisis residential centers?
Repealed	388-148-1020	Must a staffed residential home operate in conjunction with another program?
Amended	388-148-1025	What must be included in a written program description for a staffed residential home?
Amended	388-148-1030	What services must a staffed residential home provide?
Amended	388-148-1035	Who must be on the premises when children are under care at a staffed residential home?
Amended	388-148-1045	What is the ratio of child care staff to children in staffed residential homes?
Amended	388-148-1050	How many children may I serve in my staffed residential home?
Amended	388-148-1060	What services may a child-placing agency provide?
Repealed	388-148-1065	Do child-placing agency foster homes and group care facilities need to be licensed before placements?
New	388-148-1066	What written information is needed before a child is accepted for care by a child-placing agency?
Amended	388-148-1070	What health histories need to be provided to adoptive parents?
New	388-148-1076	What are the qualifications for an executive director, a program manager/social service staff, and a consultant for a child-placing agency?
New	388-148-1077	What are the qualifications for a case aide for a child-placing agency program?
New	388-148-1078	What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care?
New	388-148-1097	What are the qualifications for a foster home licenser for a child-placing agency?
Amended	388-148-1085	How may my child-placing agency certify a foster home for licensing by the department?
Amended	388-148-1115	What are the requirements for providing adoptive services?
Amended	388-148-1120	What is the process for adoptions?
New	388-148-1205	What is a group receiving center?
New	388-148-1210	What age children may a center serve?
New	388-148-1215	What hours must a center be open?
New	388-148-1220	What services are provided or arranged for by a group receiving center?
New	388-148-1225	Is a center required to provide an orientation for a child placed?
New	388-148-1230	Does each child need space for personal items at the center?

New	388-148-1235	What staff training is required?
New	388-148-1240	What is the ratio of child care staff to children at a center?
New	388-148-1245	What are the requirements for supervision of children at a center?
New	388-148-1250	Who must be on the premises while children are in care at a center?
New	388-148-1255	What are the requirements for an activity program?
New	388-148-1260	What activities must I provide to children?
New	388-148-1265	What are the requirements for indoor recreation areas?
New	388-148-1270	What are the requirements for an outdoor recreation area?
New	388-148-1275	What are the size requirements for an outdoor recreation area?
New	388-148-1280	What are the requirements for playground equipment?

Statutory Authority for Adoption: RCW 74.15.030.

Other Authority: Chapter 74.15 RCW.

Adopted under notice filed as WSR 04-03-116 on January 21, 2004.

Changes Other than Editing from Proposed to Adopted Version: The text of the adopted rule varies from the text of the proposed rule (WSR 04-03-116 filed January 21, 2004). The changes (other than editing changes) were made in response to comments and to provide clarity. Language added is underlined; language deleted is struck-through.

WAC 388-148-0025 (1)(e). The certification of occupancy from the Washington state ~~patrol fire protection bureau~~ department of health if your facility is a group care program or a staffed residential home licensed for six children.

WAC 388-148-0125(2). For foster homes, if the child is in the department's custody, at the end of the child's placement, reports and information ~~written by ((others)) the department~~ about the child or the child's family must be returned to the child's social worker.

WAC 388-148-0130(3). You may check with your child's social worker for guidance about sharing information with the child's teacher, counselor, ~~or~~ doctor, respite care provider, ~~or~~ any other professional, or others involved in the case plan.

WAC 388-148-0165(4). A licensing safety and supervision plan must be written ~~for each child in care~~ if the department determines that hazardous conditions are present.

WAC 388-148-0170(8). Foster homes with pools must have a written licensing safety and supervision plan ~~for each child.~~

WAC 388-148-0180(1). If alcohol is on the premises of a foster home the issue must be addressed in the child's licensing safety and supervision plan.

WAC 388-148-0250. What fire safety instructions must I give to children residing in a home or facility a staffed residential home licensed for five or fewer children?

(1) You must instruct children, under your care, who are capable of understanding and following emergency evacuation procedures (~~and~~) how to exit the building in case of fire.

(2) For foster homes and staffed residential homes licensed for five or fewer children, ~~You~~ you must conduct fire drills at quarterly intervals or as required by WAC 212-12-044 by the WSP/FPB to test and practice evacuation procedures.

WAC 388-148-0335. When must I get an EPSDT physical exam for a child under my care?

(1) An physical early and periodic screening, diagnosis and treatment exam (EPSDT) must be completed for any child in care more than thirty days, who within the past year has not had a physical exam by a physician, a physician's assistant, or an advanced registered nurse practitioner (ARNP).

(2) In consultation with the child's social worker and physician, you must schedule an ~~early and periodic screening, diagnosis and treatment~~ (EPSDT) exam by a physician, a physician's assistant, or an advanced registered nurse practitioner (ARNP) according to the published frequency schedule.

WAC 388-148-0380. You must have approval of the child's social worker and written instructions by a physician, parent or guardian before serving nutrient concentrates, nutrient supplements, vitamins, and modified diets (therapeutic and allergy diets).

WAC 388-148-0541(2). ~~Occasionally, and for less than twenty-four hours, a foster parent, at their own expense, may allow a friend, or a relative to provide care to a foster child in the foster home when the conditions that follow are met.~~ The foster parent must:

WAC 388-148-0720. What are the qualifications for child care staff ~~or and~~ and case aides ~~for a group care program and a child placing agency?~~ The department requires that child care staff and case aides: ~~of each group care program and child placing agency program.~~

WAC 388-148-0795. The capacity of a group care facility providing maternity services is determined by the WSP/FPB department of health representative.

WAC 388-148-1030(2). You must provide a safety and supervision plan for each ~~children~~ children you serve considering their ~~his or her~~ ages and physical conditions.

Number of Sections Adopted in Order to Comply with Federal Statute: New 32, Amended 123, Repealed 12; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

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ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 32, Amended 123, Repealed 12.

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

April 2, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-10 issue of the Register.

WSR 04-08-074

PERMANENT RULES

OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

[Filed April 5, 2004, 3:38 p.m.]

Date of Adoption: April 5, 2004.

Purpose: Change procedures for implementation of chapter 39.19 RCW related to changing processing fees for new applications, recertification applications and annual updates to be based upon legal organizational structures of businesses and type of application.

Citation of Existing Rules Affected by this Order: Amending WAC 326-20-125 Processing fee.

Statutory Authority for Adoption: RCW 39.19.210.

Adopted under notice filed as WSR 04-02-042 on January 5, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

April 5, 2004

Carolyn Crowson
Director

AMENDATORY SECTION (Amending WSR 94-11-115, filed 5/18/94, effective 6/18/94)

WAC 326-20-125 Processing fee. The office shall charge ~~((businesses))~~ a nonrefundable ~~((twenty-dollar))~~ fee for ~~((processing applications. "Applications" includes requests to be considered for DBE status when the requests are submitted separate from a certification or recertification application. Businesses))~~ certification or recertification based upon the legal organizational structure of the business, as follows: Fifty dollars for a sole proprietorship, seventy-five dol-

lars for a partnership (general or limited), and one hundred dollars for all other legal organizational structures; e.g., corporation or limited liability company: Provided, however, That the office shall only charge a twenty-five dollar fee when the application requests DBE-only certification or recertification for all business legal organizational structures. The office shall also charge a nonrefundable twenty-dollar fee for processing annual updates for all business legal organizational structures. The business must submit the fee with ~~((all))~~ the application~~((s))~~ for certification ~~((or))~~, recertification ~~((received in the office on or after July 1, 1993))~~, or annual update. The business applying for DBE-only certification may request a waiver of the fee. The request for fee waiver must be submitted to the office in writing. The office will review the request and make a determination in accordance with the Washington state department of transportation (WSDOT) DBE plan. An application is not deemed to be ~~((filed and processing will not begin))~~ received by the office until ~~((this))~~ the required fee is received by the office~~((No business shall be charged more than once in a twelve month period))~~ or the request of waiver of the fee has been approved by the office.

WSR 04-08-075

PERMANENT RULES

OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISE

[Filed April 5, 2004, 3:41 p.m.]

Date of Adoption: April 5, 2004.

Purpose: Change procedures for implementation of chapter 39.19 RCW related to the change of size standards and industry code designations by converting from the standard industrial classification (SIC) codes to the North American Industry Classification System (NAICS) codes.

Citation of Existing Rules Affected by this Order: Amending WAC 326-20-092, 326-20-094, 326-20-095, 326-20-096, and 326-20-098.

Statutory Authority for Adoption: RCW 39.19.030.

Adopted under notice filed as WSR 04-02-041 on January 5, 2004.

Changes Other than Editing from Proposed to Adopted Version: Correction of sections misnumbered.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

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ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

April 5, 2004

Carolyn Crowson

Director

AMENDATORY SECTION (Amending WSR 92-11-007, filed 5/11/92, effective 6/11/92)

WAC 326-20-092 Small business concern requirement. (1) In addition to meeting the ownership and control requirements of chapter 39.19 RCW and these regulations, a business must qualify as a small business concern to be eligible for certification or recertification.

(a) Except as otherwise provided in WAC 326-20-096 (for certain federal projects), a small business concern is a business which is independently owned and operated, is not dominant in its field of operations, and which does not exceed the size limitations as set forth in the current table of ~~((Standard Industrial Classification (SIC)))~~ North American Industrial Classification System (NAICS) codes and corresponding industry size standards as ((adopted by the United States Small Business Administration in Title 13 Code of Federal Regulations, Part 121, on file in the office)) set forth in 49 CFR Part 26 and amendments or inflationary adjustments thereof.

(b) The number of employees or amount of annual receipts listed as the size standard for each ~~((SIC))~~ NAICS code indicates the maximum allowed for a business (including its affiliates) to qualify as a small business concern.

(c) The office's determination of whether a business qualifies as a small business concern shall be, whenever possible, based on criteria that is consistent with the small business requirements defined under section 3 of the Small Business Act, 15 U.S.C. 632, and its implementing regulations, taking into consideration statewide markets.

(2) A business which exceeds the small business size limits after certification by the office shall be subject to ~~((decertification))~~ graduation.

AMENDATORY SECTION (Amending WSR 92-11-007, filed 5/11/92, effective 6/11/92)

WAC 326-20-094 Assignment of ~~((standard industrial classification (SIC)))~~ North American Industrial Classification System (NAICS) code. (1) The office will determine which ~~((SIC))~~ NAICS code an applicant falls under based on information submitted by the business. The office will prepare conversion tables showing the department of general administration's commodity code designations, the codes developed by the Construction Specifications Institute, and the corresponding ~~((SIC))~~ NAICS codes listed in the directory of certified businesses as described in WAC 326-20-190.

(2) In the event the business plans to expand the areas in which it operates, it must notify the office in writing at least thirty calendar days before the effective date of such expansion.

AMENDATORY SECTION (Amending WSR 92-11-007, filed 5/11/92, effective 6/11/92)

WAC 326-20-095 Determination of firm size. (1) At the time of application for certification and recertification, a business must demonstrate to the office that it is a small business concern. The office may verify that the business continues to be a small business concern, once certified, at any time. In verifying the ~~((applicant's))~~ business's size, the office will review ~~((the))~~ such financial documentation of the business as may be made available to the office; e.g., annual financial statements, federal income tax returns, state and/or local excise tax reports, and other relevant information.

(2) Affiliates. Except as otherwise provided in this chapter, businesses are affiliates of each other when either directly or indirectly:

(a) One controls or has power to control the other; or

(b) A third party or parties controls or has the power to control both; or

(c) Such an "identity of interest" exists between or among them that affiliation may be presumed.

(3) Annual receipts. Where the maximum size standard is set by reference to "annual receipts," a business that exceeds the annual receipts in that standard is not eligible for certification. Annual receipts includes all revenue in whatever form received or accrued from whatever source, including from the sales of products or services, interest, dividends, rents, royalties, fees, or commissions, reduced by returns and allowances. However, the term "receipts" excludes proceeds from sales of capital assets and investments, proceeds from transactions between a concern and its domestic and foreign affiliates, proceeds from payments of notes receivable and accounts receivable, and amounts collected as an agent for another, such as gross bookings on which a commission is earned (in which case only the commission earned would constitute revenue) or such as taxes collected for remittance to a taxing authority.

(4) Period of measurement.

(a) The size of a business that has completed three or more fiscal years will be determined by averaging the annual receipts of the business for each of the most recent three years.

(b) The size of a business that has completed less than three fiscal years will be determined by computing the average of the annual receipts from the time the business was formed as follows: Total revenues compiled over the period divided by the number of weeks, including fractions of a week, multiplied by fifty-two.

~~((d))~~ (c) Method of determining annual receipts. Revenue may be taken from the regular books of account of the concern. If the office so elects or the firm has not kept regular books of account or the Internal Revenue Service has found such records to be inadequate and has reconstructed income of the concern, then revenue as shown on the Federal Income Tax return of the concern may be used in determining annual receipts along with other information the office deems relevant.

~~((4))~~ (5) Number of employees. Where the size standard is "number of employees" size eligibility requires that the concern may not exceed the number of employees in that standard.

(a) "Number of employees" means that average employment of the concern, including the employees of its domestic and foreign affiliates, based upon employment during each of the pay periods for the preceding completed twelve calendar months.

(b) In computing average employment, part-time and temporary employees are counted as full-time employees for each applicable pay period.

(c) If a concern has not been in business for twelve months, "number of employees" means the average employment of the concern, including its affiliates, during each of the pay periods during which it has been in business.

AMENDATORY SECTION (Amending WSR 92-11-007, filed 5/11/92, effective 6/11/92)

WAC 326-20-096 Size standard. (1) No business, regardless of its primary ((**SIC**)) **NAICS** code, is eligible for certification if it exceeds the largest annual revenue limit contained in ((~~13 Code of Federal Regulations, Part 121, on file in the office~~)) 49 CFR Part 26 and any amendments or inflationary adjustments thereof.

(2) In determining ((~~what is~~)) the business's primary industry ((~~in which an applicant~~)) (including its affiliates) ((~~is engaged, primary consideration shall be given to~~)), the office shall consider the distribution of receipts, employees and costs in the differing industry areas in which the business operated during its most recently completed fiscal year. Other factors (e.g., patents, contract awards, assets) may be considered.

(3) If the activities of the business encompass two or more ((**SIC**)) **NAICS** codes, the first ((**SIC**)) **NAICS** code listed in the directory is the primary industry classification of the business.

(4) A firm which exceeds the small business size limits after certification by the office shall be subject to ((~~decertification~~)) graduation.

(5) For purposes of utilization on projects funded by any operating modal of the ((Federal Highway Administration or under The Surface Transportation and Uniform Relocation Assistance Act of 1987, (P.L. 100-17, or STURAA)) U.S. Department of Transportation the maximum dollar size standard set out in ((~~STURAA and~~)) 49 CFR Part ((23)) 26 as may be amended or adjusted for inflation, shall apply, even if the size standard would otherwise be set by reference to number of employees. This standard is a ceiling. Certified businesses are still subject to applicable lower limits on business size as established by the United States Small Business Administration and these regulations.

AMENDATORY SECTION (Amending WSR 92-11-007, filed 5/11/92, effective 6/11/92)

WAC 326-20-098 Applicability of federal regulations. Whenever issues arise regarding whether a business qualifies as a small business concern which cannot be resolved by reference to these regulations, ((~~federal regulations adopted by the United States Small Business Administration at 13 CFR 121~~)) 49 CFR Part 26 shall provide guidance to resolve such issues.

WSR 04-08-079

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed April 6, 2004, 8:31 a.m.]

Date of Adoption: April 6, 2004.

Purpose: Make the rules more clear and easier to use, meeting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-021, 308-96A-072, 308-96A-074, 308-96A-550, and 308-96A-560.

Statutory Authority for Adoption: RCW 46.01.110, 46.16.135, 46.16.225, 46.16.490, 46.16.276.

Adopted under notice filed as WSR 04-03-121 on January 21, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 5, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

April 6, 2004

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 03-05-080, filed 2/19/03, effective 3/22/03)

WAC 308-96A-021 Replacement plates—Requirements. (1) **How do I obtain replacement plate(s) for my current Washington plate(s)?**

You obtain replacement plate(s) by applying((-));

(a) Either in person; or

(b) By mail, to a Washington vehicle licensing office((-); or

(c) On-line through the department of licensing web page in conjunction with your registration renewal and seven-year replacement requirement.

(2) **When do I need to replace my plate(s)?**

You need to replace your plate(s) if:

(a) Your plate(s) are lost, ((~~stolen,~~)) destroyed, or mutilated. For an additional fee, you may replace them with the same number/letter combination as long as the plate meets a current approved license plate configuration and background; or

(b) Your plate(s) are stolen. You may not request the same number/letter combination (see the note at the end of this section); or

(c) The primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle.

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Example: A passenger car used to transport commodities, merchandise, produce, freight or animals for commercial purposes may be licensed as a commercial use truck; or

~~((e))~~ (d) Your vehicle license plates have reached the replacement cycle date established by this section by authority in RCW 46.16.233. For an additional fee, you may request the same number/letter combination as long as the plate meets a current approved license plate configuration and background.

(3) Who can apply for replacement plate(s)?

One of the registered owners must apply for replacement plate(s).

(4) What documentation do I need to apply for replacement plate(s)?

(a) If your plate(s) are lost, stolen (see note at end of this section), destroyed, or mutilated, you need to submit an affidavit of loss or letter of request describing the vehicle by Washington license plate or vehicle identification number. The affidavit of loss or letter of request must be signed by at least one of the registered owners. The registered owner's signature must be either notarized by a notary public or certified by an authorized employee of a Washington vehicle (license agent or subagent) licensing office. A replacement plate fee will be charged. For an additional fee, the same number/letter combination may be requested as long as the plate meets a current approved license plate configuration and background.

(b) If the primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle, the department will replace the plate(s) without the affidavit of loss or letter of request. A new plate fee will be charged.

(5) What if the department issued incorrect plate(s) for my vehicle?

When incorrect plate(s) have been issued due to departmental error, the department will replace the plate(s) without the affidavit of loss or letter of request. No replacement plate fee will be charged in this case.

(6) What is the replacement cycle date for my license plate? The replacement cycle date for your license plate is seven years from the date the license plate(s) were issued. Notification will be included on the renewal notice when it is necessary to replace the license plates for a vehicle.

~~(7) ((How will I obtain replacement plate(s)? You obtain replacement plate(s) by applying, either in person or by mail, to a Washington vehicle licensing office.~~

~~(8))~~ **(8) When I am required to replace ((a)) special license plate(s) on a currently registered vehicle, will I receive the same license plate number/letter combination? ((Special license plates in subsection (9)(b) through (m) of this section, upon request.) Yes, for an additional fee, if you are replacing license plates on a currently registered vehicle, your license plates will be replaced with the same number/letter combination as shown on the vehicle computer record as long as the plate meets a current approved license plate configuration and background.**

~~((9))~~ **(8) What license plates are required to be replaced?** Vehicles that have license plates seven years or older that include:

- (a) Standard issue;
- (b) Collegiate;
- (c) HAM/MARS;

(d) Personalized;

(e) Ride share;

(f) Disabled person;

(g) Disabled veterans;

(h) Pearl Harbor survivors;

(i) Purple heart;

(j) Stadium;

(k) Square dancer;

(l) Honorary Consular;

(m) Former prisoner of war;

(n) Commercial plates issued to vehicles with a declared gross weight 26,000 pounds or under;

(o) Special plate series created after January 1, 2003.

~~((10))~~ **(9) What license plates are exempt from the replacement requirements?**

(a) Prorated vehicles over 16,000 pounds licensed under chapter 46.87 RCW;

(b) Commercial vehicles with declared gross weight over 26,000 pounds under RCW 46.16.233;

(c) Collector vehicle, horseless carriage vehicle and restored plates;

(d) Plates issued to government agencies with exempt use class; and

(e) ~~((Congressional))~~ Medal of Honor license plates.

Note: If the license plate has been reported as stolen or if the department record indicates the vehicle has been stolen, the same number/letter combination will not be issued.

AMENDATORY SECTION (Amending WSR 01-10-069, filed 4/30/01, effective 5/31/01)

WAC 308-96A-072 Square dancer license plates. (1) Who may apply for square dancer license plates? ((The)) A registered owner of a vehicle may apply to the department and receive, in lieu of regular vehicle license plates, special square dancer license plates bearing a symbol of square dancers.

(2) What vehicles may display square dancer license plates? Square dancer license plates may be issued for vehicles required to display two license plates ((under RCW 46.16.233)), except those vehicles licensed under the provisions of chapter 46.87 RCW ((are not eligible for square dancer license plates)).

(3) Are special license fees required for square dancer license plates? A special license plate fee of forty dollars, in addition to all other appropriate fees and taxes, is collected for each set of square dancer license plates issued.

(4) How does the department define "current license plate registration"? For the purposes of this section, a current license plate registration is defined as: A registration that has not expired or a registration where it is less than one year past the expiration date.

(5) Will I ever have to ((exchange)) replace my square dancer license plates? Yes, the department has determined that all license plates be replaced on a seven-year ((rotation)) replacement schedule. In addition to the license plate replacement fee, you may pay an additional plate retention fee to retain the same number/letter combination as shown on the current vehicle computer record as long as the plate meets a current approved license plate configuration and background.

Note: If the license plate has been reported as stolen or if the department record indicates the vehicle has been stolen, the same number/letter combination will not be issued.

AMENDATORY SECTION (Amending WSR 03-05-082, filed 2/19/03, effective 3/22/03)

WAC 308-96A-074 (~~(Antique vehicle—)~~) **Collector vehicle and restored license plates.** (1) **What is a collector vehicle license plate?** For the purposes of this section a collector vehicle license plate is a special license plate indicating "Collector Vehicle." The smaller size collector vehicle license plate is available for motorcycles. Collector vehicle owners must conform to the rules under RCW 46.16.307.

(2) **What vehicles qualify for a collector vehicle license plate?** Any motor vehicle which is:

- (a) More than thirty years old; and
- (b) Capable of being operated upon the highway; and
- (c) Currently registered in Washington; and
- (d) Operated primarily as a collector vehicle.

(3) **How is a collector vehicle license plate to be displayed?** The collector vehicle license plate must be displayed on the rear of the vehicle for which it was issued. The collector vehicle license plate is not transferable to any other motor vehicle, but may stay with that vehicle upon transfer of ownership.

(4) **What additional fees are required to obtain a collector vehicle license plate?** In addition to all other license fees required by law, the applicant must pay an additional license fee of thirty-five dollars for this collector vehicle license plate.

(5) **Are collector vehicle license plate(s) required to be replaced under RCW 46.16.233?** No, the collector vehicle license plates are exempt from the periodic vehicle license replacement schedule.

(6) **What is a "restored license plate"?** A restored license plate is a Washington state issued license plate designated for general use in the year of the vehicle's manufacture. The restored license plate may not be a specialized license plate. The restored license plate may be used instead of a collector vehicle license plate or horseless carriage license plate. The license plate must be restored to such a condition that it may be identified with its year of issue. Reproductions of the original are not acceptable for use as a restored license plate.

(7) **How is a restored license plate to be displayed?** The owner must display a single plate on the rear of the vehicle. If the vehicle owner has two identical license plates, the second license plate may be displayed on the front of the vehicle or on another vehicle.

(8) **If I sell my vehicle may I keep my restored license plate?** Yes. (~~You may keep the license plate if the vehicle ownership changes; however, it is not transferable to any other motor vehicle.~~) The restored plate(s) may be re-assigned to another qualifying vehicle.

(9) **May I replace my restored license plate with another restored license plate?** Yes, however, your vehicle record must be updated to reflect the new plate number before it is displayed on the vehicle.

(10) **What additional fees are required to have a restored license plate assigned to my vehicle?** In addition to all other title and license fees required by law, you must

pay an additional license fee of thirty-five dollars for the restored plate to be assigned to your vehicle. At the time a restored plate is assigned to a vehicle, the department will require the certificate of ownership be submitted if that vehicle does not already have a "title purpose only" number.

(11) Will I be able to apply for a refund of fees I have paid if I decide to change my restored use plate to a regular issue plate? No. There is no provision in the law to issue a refund should you decide to change to a regular issue plate.

(12) May I apply the fees I paid for my restored plate towards the purchase of regular issued plates? No. Full fees must be paid for the new plates.

AMENDATORY SECTION (Amending WSR 03-05-082, filed 2/19/03, effective 3/22/03)

WAC 308-96A-550 Vehicle special collegiate license plates. (1) **What are the criteria for establishing collegiate license plates?** (~~The department must approve an application for special collegiate license plate series from an institution of higher education according to RCW 46.16.324.~~) Application for license plate series from an institution of higher education under RCW 46.16.324 may be submitted to the special license plate review board through the process established in RCW 46.16.735 and 46.16.745. In addition the following criteria must be satisfied:

(a) (~~The special collegiate license plate lettering and color scheme is compatible with the basic license plate design.~~

(b)) The plates will consist of numbers, letters, (or figures or any combination thereof not exceeding) colors and a symbol or artwork approved by the department and/or the special license plate review board.

(b) The numbers and letters combination may not exceed seven positions.

(c) The plate series will not conflict with existing license plates.

(d) The plate design must provide at least four positions to accommodate serial numbering.

(e) The plate must not carry connotations offensive to good taste or decency, which may be misleading, vulgar in nature, a racial, ethnic, lifestyle or gender slur, related to illegal activities or substances, blasphemous, contrary to the department's mission to promote highway safety, or a duplication of other license plates provided in chapter 46.16 RCW.

(f) The plate must be designed so that it (can be easily recognized) is legible and clearly identifiable by law enforcement personnel as an official Washington state issued license plate. A collegiate license plate design may not be issued in combination with any other license plate configuration including special, personalized or exempt license plate(s).

(2) **How is the design for a collegiate plate determined?** The institution of higher education must provide a design including color and dimension specifications of the logo requested on the special collegiate license plate series with their application. Design services may be purchased through the department. The design must be legible and clearly identifiable as a Washington state plate to be approved by the department (based on compatibility with the

basic license plate design)), Washington state patrol, the special license plate review board and/or the legislature.

(3) **Who may apply for the special collegiate license plate?** Upon receipt of all applicable fees, the special collegiate license plate will be issued to ~~((the))~~ a registered owner of the vehicle ~~((regardless of the applicant's age, gender, religion, race, color, creed, marital status, national origin, disability, or affiliation with an institution of higher education))~~.

(4) **When ownership of a vehicle issued collegiate license plates is sold, traded, or otherwise transferred, what happens to the plates?** The owner may relinquish the plates to the new vehicle owner or remove the plates from the vehicle for transfer to a replacement vehicle. If the plates are removed from the vehicle, a transfer fee to another vehicle shall be charged as provided in RCW 46.16.316(1).

(5) **Will any new fees be charged when the collegiate license plates are sold, traded, or otherwise transferred?** If the registration expiration date for the new vehicle exceeds the old vehicle registration expiration date, an abated fee for the collegiate plate will be charged at the rate of one-twelfth of the annual collegiate plate fee for each exceeding month and partial month. If the new registration expiration date is sooner than the old expiration date, a refund will not be made for the remaining registration period.

(6) **Will I be able to ~~((obtain the same))~~ retain my current collegiate license plate number/letter combination if my plate is lost, defaced, or destroyed?** Yes. Upon the loss, defacement, or destruction of one or both collegiate license plates, the owner will make application for new collegiate or other license plates and pay the fees described in RCW 46.16.270 and 46.16.233 as applicable. See note following subsection ~~((8))~~(9) of this section.

(7) **Will I ever have to replace my collegiate license plate?** Yes, the collegiate license plates are subject to the seven-year vehicle license plate replacement schedule.

(8) **How does the department define "current license plate registration"?** For the purposes of this section, a current license plate registration is defined as: A registration that has not expired or a registration where it is less than one year past the expiration date.

(9) **When I am required to replace my collegiate license plate, will I receive the same license plate number/letter combination?** Yes. ~~((If you request, you will receive replacement collegiate license plates with the same number/letter combination as shown on the vehicle computer record.))~~ In addition to the license plate replacement fee, you may pay an additional plate retention fee to retain the same number/letter combination as shown on the current vehicle computer record as long as the plate meets a current approved license plate configuration and background.

Note: If the license plate(s) has been reported as stolen or if the department record indicates the plate has been stolen, the same number/letter combination will not be issued. ~~((This is a law enforcement issue and is for the protection of the public.))~~

AMENDATORY SECTION (Amending WSR 01-10-069, filed 4/30/01, effective 5/31/01)

WAC 308-96A-560 Special vehicle license plates—Criteria for continued issuance. What criteria are used to

discontinue issuing special vehicle license plates? ~~((Except those license plates issued under RCW 46.16.301, 46.16.305 and 46.16.324))~~ A special license plate series may be canceled if:

(1) The department ~~((may discontinue issuing special vehicle license plates after determining))~~ determines that ~~((less))~~ fewer than five hundred special license plates in the approved configuration are purchased annually and no less than one thousand five hundred special license plates are purchased in any continuous three-year period. ~~((Except those license plates issued under RCW 46.16.301, 46.16.305, and 46.16.324); or~~

(2) The legislature concurs with a recommendation from the special license plate review board to discontinue a plate series created after January 1, 2003; or

(3) The state legislature changes the law allowing that plate series.

WSR 04-08-080

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed April 6, 2004, 8:34 a.m.]

Date of Adoption: April 6, 2004.

Purpose: Make the rules more clear and easier to use, meeting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-56A-020, 308-56A-140, 308-56A-455, and 308-56A-460.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 04-04-006 on January 22, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 4, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

April 6, 2004

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 03-05-081, filed 2/19/03, effective 3/22/03)

WAC 308-56A-020 Application for certificate of ownership required. When is an application for certifi-

cate of ownership required? In addition to the requirements set forth in chapter 46.12 and 46.16 RCW an application for certificate of ownership is required when:

(1) There is a change of vehicle ownership on a Washington certificate of ownership due to:

- (a) Sale;
- (b) Gift-donation;
- (c) Inheritance;
- (d) Trade;
- (e) Addition or deletion of a registered owner;
- (f) Proprietorship, partnership or individuals forming a corporation, whether or not the business name is changing;
- (g) Proprietorship, partnership or individuals purchasing a corporation which will no longer be operated as a corporation, whether or not the business name is changed;
- (h) Court order;
- (i) Transferring vehicle to or from a trust;
- (j) Repossession; or
- (k) Adding/removing a lease on a vehicle.

(2) Applying for registration of a vehicle which has most recently been titled and/or registered in another jurisdiction and only registration is being established in Washington. If the vehicle will remain titled in another jurisdiction, no Washington certificate of ownership will be issued.

(3) There is a name change of the registered owner, whether individual(s) or a business entity.

(4) Adding ((or changing)) a lien holder.

(5) The vehicle is assembled, homemade, has had a glider kit installed or is a street rod.

(6) The motorcycle engine has been replaced.

(7) ((The vehicle has been changed or modified to accept a fuel other than that shown on the outstanding certificate of ownership.

(8) There has been a structural change, as defined in WAC 308-56A-150 (1)(d), other than changing the bed of a truck.

(9)) The vehicle identification number needs to be corrected.

((10)) (8) The vehicle has been reported ((destroyed)) as salvage or wrecked by an ((insurance company)) insurer, owner, or wrecker((, or vehicle owner(s))) and new certificate of ownership is requested. Title procedures are in WAC 308-56A-460.

AMENDATORY SECTION (Amending WSR 03-12-006, filed 5/22/03, effective 6/22/03)

WAC 308-56A-140 Department temporary permit.
 ((1) ~~What is a department temporary permit?~~ A department temporary permit is a permit issued in lieu of registration and license plates when:

(a) The vehicle is not currently licensed in Washington; and

(b) Proper vehicle documentation to title and license the vehicle is not available but is likely to be available within sixty days; and

(c) The vehicle was not purchased from a licensed Washington dealer.

~~(2) How long is a department temporary permit valid?~~ The department temporary permit is valid for up to sixty days.

~~(3) What if I believe I will not be able to obtain proper documentation within sixty days, what options are available to me?~~ When documents are not expected to be received within sixty days, you may choose to:

(a) Not operate your vehicle and wait to register the vehicle until all required documents are received; or

(b) Obtain the department temporary permit and if you do not receive the required documentation within sixty days, discontinue using the vehicle until proper documentation is filed with the department or apply for an extension of the temporary permit under subsection (4) of this section.

~~(4) May a department temporary permit be extended?~~ Yes, a department temporary permit may be extended on a case by case basis if the registered owner has demonstrated all possible avenues have been explored and upon departmental approval.

~~(5) Where do I obtain a department temporary permit?~~ Department temporary permits are available at all Washington vehicle license offices.

~~(6) What fees are required to be paid when applying for a department temporary permit?~~ In addition to other fees and applicable taxes, the department temporary permit fee, certificate of ownership application fee, inspection fees and licensing fees must be paid at the time the department temporary permit is issued.

~~(7) How do I display the department temporary permit?~~ The cardboard copy of the department temporary permit must be displayed according to instructions on the permit and the signed registration must be carried in the vehicle or the towing vehicle.

~~(8) How many months of gross weight must I purchase with a department temporary permit for my vehicle, which is eligible for monthly gross weight?~~ If you have a vehicle that is eligible for monthly gross weight, you must purchase a minimum of two months gross weight license to correspond with the duration of the department temporary permit. You may receive credit as described in WAC 308-96A-220(7) for gross weight license already purchased.

~~(9) How do I obtain license plates and registration for my vehicle that has been issued a department temporary permit?~~ You may obtain license plates and new registration for your vehicle that has been issued a department temporary permit by submitting the necessary documents and fees to any Washington vehicle license office.

~~(10) What fees are required to be paid when clearing a department temporary permit?~~ In addition to other fees as prescribed by law, the title application fee and license plate fees must be paid at the time the temporary permit is cleared.

~~(11) How do I obtain a replacement vehicle title application/registration certificate portion of the department temporary permit?~~ You may obtain a photocopy of the department temporary permit registration certificate through the county's auditor/agent or subagent office. You must provide the vehicle identification number or the department temporary permit number. The replacement department temporary permit will retain the same expiration date as the original.

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~~(12) How do I obtain a replacement for the cardboard department temporary permit that is displayed in the vehicle window? You may obtain a replacement cardboard department temporary permit at any Washington vehicle license office. You must provide the vehicle title application/registration certificate, VIN, or the department temporary permit number-))~~ **(1) What is a department temporary permit? A department temporary permit consists of a system-generated permit and a cardboard temporary "plate" which may be issued in lieu of a registration certificate and license plates when:**

(a) The vehicle is not currently licensed in Washington; and

For the purposes of this section, a vehicle may be considered unlicensed if the current license expires within sixty days of application for the department temporary permit, or the vehicle's license plates are missing or unreadable; and

(b) Appropriate vehicle documentation to title and license the vehicle is not immediately available but is likely to be available within sixty days; and

(c) The vehicle was purchased from someone other than a licensed Washington dealer; or

(d) The vehicle:

(i) Has been declared a salvage vehicle under RCW 46.12.070; and

(ii) Has been retained by the registered owner(s) shown on department of licensing records; and

(iii) Is scheduled for inspection by the Washington state patrol.

Note: Except as provided in (d) of this subsection, a department temporary permit will not be issued to any vehicle when the evidence of ownership is a salvage certificate/title, insurance company bill of sale, or wrecker bill of sale from any jurisdiction, or when the evidence of ownership indicates the vehicle may be a salvage vehicle not reported to the department.

(2) How long is a department temporary permit valid? The department temporary permit is valid for no longer than sixty days from the date of application.

(3) Where do I apply for and obtain a department temporary permit? You may apply for a department temporary permit at any Washington vehicle licensing office.

(4) What fees are due when applying for a department temporary permit? All applicable taxes, title, license fees and inspection fees are due when the department temporary permit is issued. Any fees for license plates are due when the department temporary permit is cleared.

(5) How do I display the cardboard temporary plate? You must display the cardboard temporary plate where it is visible from outside of the vehicle or towed vehicle (such as on the inside left of the rear window), or you may weather-proof the plate and place it in the license plate holder. Carry the cardboard temporary plate in the vehicle or the towing vehicle.

(6) How many months of gross weight must I purchase with a department temporary permit if my vehicle is eligible for monthly gross weight? If your vehicle is eligible for monthly gross weight, you must purchase a minimum of two months' gross weight license to correspond with the duration of the department temporary permit. You may

receive credit as described in WAC 308-96A-220(7) for gross weight license already purchased.

(7) How do I obtain a registration certificate and license plates for my vehicle that has been issued a department temporary permit? You may obtain a registration certificate and license plates for your vehicle at any vehicle licensing office by submitting:

(a) An application for certificate of ownership; and

(b) An odometer disclosure statement, if applicable; and

(c) License plate fees; and

(d) Other applicable documentation, fees, and taxes.

(8) What fees are due when clearing a department temporary permit? In addition to other fees as prescribed by law, the title application fee and license plate fees are due when the department temporary permit is cleared.

(9) How do I obtain a replacement department temporary permit? You may obtain a photocopy of the department temporary permit by contacting any vehicle licensing office who will acquire the photocopy from the department. You must provide the vehicle identification number or the department temporary permit number. The replacement department temporary permit will retain the same expiration date as the original.

(10) How do I obtain a replacement cardboard temporary "plate"? You may obtain a replacement cardboard temporary "plate" at any Washington vehicle license office where it was purchased. You must provide the vehicle identification number or the department temporary permit number.

(11) May a department temporary permit be extended? Yes, a department temporary permit may be extended on a case-by-case basis upon departmental approval.

(a) An extension of a department temporary permit issued for a total loss vehicle described in subsection (1)(d) of this section will not be approved.

(b) An extension of a department temporary permit cannot be granted for vehicles described in subsection (6) of this section when no more than two months' gross weight were purchased. Additional gross weight cannot be issued until the department temporary permit is cleared.

AMENDATORY SECTION (Amending WSR 03-10-097, filed 5/7/03, effective 6/7/03)

WAC 308-56A-455 Assembled and homemade vehicles. ((1) What constitutes an assembled vehicle? An assembled vehicle is a vehicle that has been put together by using major component parts from two or more commercially manufactured vehicles. For the purposes of this section major component parts include replacement of those listed in RCW 46.80.010(5). Assembled vehicles are not glider kits, custom built, replica, or kit vehicles. An assembled vehicle will be recognized as one produced by a particular manufacturer.

(2) What constitutes a homemade vehicle? A homemade vehicle that cannot visually be identified as one produced by a particular manufacturer. The model year of a homemade vehicle is determined by the Washington state patrol at the time of inspection. The make is homemade.

~~(3) What is the difference between an assembled vehicle and a homemade vehicle?~~ The difference between an assembled and a homemade vehicle is that an assembled vehicle will be recognizable as one produced by a particular manufacturer. A homemade vehicle will be a vehicle that cannot visually be identified as one produced by a particular manufacturer. The model year of a homemade vehicle will be the original year of licensing and the make will be homemade.

~~(4) What documents are required to apply for a certificate of ownership for an assembled or homemade vehicle?~~ The application for certificate of ownership must be accompanied by the following documents:

(a) The certificate of ownership or bills of sale for each vehicle or major component part used in the assembly or construction of the vehicle. The bills of sale must be notarized unless the vendor has a regular place of business and is registered with the department of revenue as an agent for use tax purposes. The bill(s) of sale shall include:

- (i) The names and addresses of the seller and purchaser;
- (ii) A description of the part being sold, including the make, model and identification or serial number;
- (iii) The date of sale;
- (iv) The purchase price of the part; and
- (v) The stock number if from a Washington licensed wrecker.

(b) A Washington state patrol inspection or inspection from other personnel authorized by the director verifying the vehicle identification number, make, model, and year; and

(c) A completed declaration of value form.

~~(5) What happens if I must remove, destroy or conceal a vehicle identification number during assembly or construction of my vehicle?~~ The assembled parts must be inspected by an authorized member of the Washington state patrol or other personnel authorized by the director who will issue a statement of fact prior to assembly or construction of a vehicle involving the removal, destruction, or concealment of any vehicle identification number. After assembly of a vehicle where the identification number has been removed, destroyed or concealed, an authorized member of the Washington state patrol or other personnel authorized by the director must determine if a new vehicle identification number will be assigned.) (1) What constitutes an assembled vehicle? An assembled vehicle is a vehicle that:

(a) Has had the complete body or frame replaced with the body or frame from another commercially manufactured vehicle; or

(b) Had the body or frame cut in two and replaced with a major portion of the body or frame from another vehicle; or

(c) Has had a major modification so that the VIN no longer properly describes the vehicle; or

(d) Is a motorcycle on which the frame and engine are of different make or model years. An assembled vehicle is made from parts produced by recognized manufacturers for commercially produced vehicles, and can be recognized as one produced by a particular manufacturer. Assembled vehicles do not include glider kits, custom built, replica, kit vehicles, or trucks installed with a different bed.

(2) How is the model year determined for an assembled vehicle? The Washington state patrol will determine

the model year of an assembled vehicle upon inspection of the vehicle.

(3) What constitutes a homemade vehicle? A homemade vehicle is one that cannot visually be identified as produced by a particular manufacturer and is made primarily from fabricated parts. The make will be identified as homemade.

(4) How is the model year determined for a homemade vehicle? The Washington state patrol will determine the model year of a homemade vehicle upon inspection of the vehicle.

(5) What documents must I submit with my application for a certificate of ownership for an assembled or homemade vehicle? You must submit the following documents with your application for certificate of ownership:

(a) The certificate of ownership or bills of sale for each vehicle or major component part used in the assembly or construction of the vehicle. The bills of sale must be notarized unless the seller is a licensed business. The bill(s) of sale must include:

- (i) The names and addresses of the seller and purchaser;
- (ii) A description of the part being sold, including the make, model and identification or serial number;
- (iii) The date of sale;
- (iv) The purchase price of the part; and
- (v) The stock number if from a Washington licensed wrecker;

(b) A Washington state patrol inspection or inspection from other personnel authorized by the director verifying the vehicle identification number, make, model, and year; and

(c) A completed declaration of value form.

You may be required to apply for ownership in doubt as described in WAC 308-56A-210 if you do not have all the required documentation.

(6) What is required if I must remove, destroy or conceal a vehicle identification number plate on a vehicle or major component part to be used on my assembled or homemade vehicle? The vehicle or major component part containing the VIN plate must be presented to the Washington state patrol with the VIN plate intact. The WSP will remove the VIN plate and mark the vehicle or major component part so it can be identified when the assembled or homemade vehicle is ready for inspection.

AMENDATORY SECTION (Amending WSR 02-19-016, filed 9/9/02, effective 10/10/02)

WAC 308-56A-460 Destroyed or wrecked vehicle—Reporting—Rebuilt. ((1) ~~What is a destroyed or wrecked vehicle?~~ For the purposes of this section:

(a) ~~A destroyed vehicle means a vehicle of any age that has been reported wrecked or destroyed by an insurance company, licensed wrecker, scrap processor or the owner and includes a salvage vehicle as defined in RCW 46.12.005; and~~

(b) ~~A wrecked vehicle is defined in RCW 46.80.010(6).~~

(2) ~~Who may report destroyed or wrecked vehicles and how are those vehicles reported to the department?~~ Destroyed vehicles may be reported to the department by:

(a) ~~Insurance companies. A vehicle becomes insurance destroyed under RCW 46.12.070 when:~~

(i) An insurance company in possession of a certificate of ownership for a vehicle that has been destroyed submits to the department the current certificate of ownership indicating the vehicle is "destroyed," the insurance company name and address and the date of loss, and for a vehicle that is six years through twenty years old, a statement whether or not the vehicle meets the market value threshold amount. If this statement is not provided when required, the department will treat the report as if the insurance company indicated that the market value threshold was met; or

(ii) The Total Loss Claim Settlement form (TD 420-074) completed in its entirety is received by the department (settlement is defined in subsection (4) of this section); and

(iii) For a vehicle that is six years through twenty years old, a statement whether or not the vehicle meets the market value threshold amount as defined in subsection (3) of this section. If this statement is not provided when required, the department will treat the report as if the insurance company indicated that the market value threshold was met.

(b) Government or self insured entities: Any government agency or self insured entity reports the vehicle is a total loss under RCW 46.12.070 by indicating on the certificate of ownership or affidavit of loss/release of interest that the vehicle is "destroyed," the date of loss and a statement whether or not the vehicle meets the market value threshold amount as defined in subsection (3) of this section if the vehicle is six years through twenty years old. If this statement is not provided when required, the department will treat the reports as if the government or self insured entity stated that the market value threshold was met.

(c) Registered or legal owners:

(i) The registered or legal owner submits to the department the certificate of ownership under RCW 46.12.070, properly released, indicating on the face of the ownership document "destroyed," the date and location of destruction and whether or not the vehicle meets the market value threshold amount as defined in subsection (3) of this section if the vehicle is six years through twenty years old. If this statement is not provided when required, the department will treat the report as if the owner indicated that the market value threshold was met; or

(ii) The owner submits an affidavit of loss/release of interest with a notation on the document in the same manner as (c)(i) of this subsection and a written statement indicating the vehicle has been destroyed, to include year, make, model, and vehicle identification number.

(d) Washington licensed vehicle wreckers. A vehicle becomes wrecker destroyed when the Washington licensed wrecker submits a written report to the department as required in RCW 46.80.090 including a statement whether or not the vehicle meets the market value threshold amount as defined in subsection (3) of this section if the vehicle is six years through twenty years old. If this statement is not provided when required, the department will treat the report as if the report indicated that the market value threshold was met.

(3) What are the "market value threshold amount" and the criteria used to increase the amount? The "market value threshold amount" is six thousand five hundred dollars effective June 13, 2002, as set by RCW 46.12.005. The market value threshold amount will be increased based on an

increase in the expenditure category "used cars and trucks" of the Consumer Price Index for all Urban Consumers compiled by the Bureau of Labor Statistics, United States Department of Labor, or its successor, for the West Region as provided by RCW 46.12.005.

(4) Is the market value threshold applied to all motor vehicles that are reported destroyed, wrecked or damaged? No. The market value threshold is applied to motor vehicles that are at least six years old but not more than twenty years old and are incorporated into the Consumer Price Index expenditure category "used cars and trucks" which includes, but is not limited to, used passenger cars, light duty trucks with a gross weight of 12,000 pounds or less, and sport utility vehicles (SUVs).

(5) After the certificate of ownership has been surrendered, how do I sell my destroyed vehicle? After the certificate of ownership has been surrendered, you may sell your destroyed vehicle in the following ways:

(a) After the vehicle has been reported destroyed under RCW 46.12.070, the insurer using a bill of sale instead of a release of interest on a certificate of ownership may sell the vehicle. The bill of sale shall be signed by a representative of the insurer and provide their title of office. The representative's signature need not be notarized or certified.

(b) After a vehicle has been reported destroyed under RCW 46.12.070 and the registered owner retains the vehicle, the vehicle may be sold in its present condition using a bill of sale. The owner must sign the bill of sale and the owner's signature must be notarized or certified.

(c) A motor vehicle wrecker licensed under chapter 46.80 RCW may utilize a bill of sale issued in accordance with (a) and (b) of this subsection in lieu of a certificate of ownership to comply with RCW 46.80.090.

(6) When is an insurance claim considered settled? For the purpose of this section, those vehicles described in RCW 46.12.070, the settlement of an insurance claim as a total loss, less salvage value shall mean the date on which an insurance company actually makes payment to the claimant for the damage.

(7) If a vehicle has been reported to the department as destroyed or wrecked, may the license plate(s) remain with the vehicle? Depending on the situation the vehicle license plates may stay with the vehicle:

(a) If the vehicle has been reported insurance destroyed, regular vehicle license plates may remain with the vehicle unless the license plates assigned to the vehicle are severely damaged.

(b) If the owner of record has reported the vehicle as destroyed, regular vehicle license plates may remain with the vehicle unless the license plates assigned to the vehicle are severely damaged.

(c) If the vehicle has been reported destroyed by a Washington licensed wrecker, new vehicle license plates are required since the Washington licensed vehicle wrecker must remove the current license plates as required by WAC 308-63-070(7).

(8) What is required of a Washington licensed vehicle dealer before they can sell a vehicle that has been reported destroyed or wrecked? Except as permitted by RCW 46.70.101 (1)(b)(viii) before a vehicle dealer may sell

a destroyed or wrecked vehicle under their Washington vehicle dealer license, the dealer must:

(a) Rebuild the vehicle to standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles; and

(b) Obtain a Washington state patrol inspection; and

(c) Apply for and receive a certificate of ownership for the vehicle, issued in the name of the vehicle dealer.

(9) What does "wa rebuilt" mean on a Washington certificate of ownership? The "wa rebuilt" designation, as required by RCW 46.12.075, on a vehicle certificate of ownership means that the vehicle:

(a) Is of a model year that is less than six years before the calendar year in which the vehicle was wrecked, destroyed, or damaged and has been reported as destroyed under RCW 46.12.070 or 46.80.090 and the vehicle has been rebuilt and inspected under RCW 46.12.030; or

(b) Is a used car or truck with a model year at least six years but not more than twenty years before the calendar year in which the vehicle was wrecked, destroyed, or damaged and has been reported as destroyed under RCW 46.12.070 or 46.80.090 and the vehicle has been rebuilt and inspected under RCW 46.12.030 and the vehicle, just prior to the time it was wrecked, destroyed or damaged, met the value requirements as defined in RCW 46.12.005.

(10) Will the certificate of ownership or vehicle registration always indicate "wa rebuilt" for a vehicle described in subsection (9) of this section? Yes, the certificate of ownership or vehicle registration certificate shall prominently display a "wa rebuilt" designation on the front of the document unless the brand was applied in error. This designation will continue to appear on every subsequent certificate of ownership or vehicle registration certificate issued for this vehicle.

(11) If I purchase a vehicle that has been reported to the department as wrecked/destroyed/salvaged or a total loss and has not been retitled, what documentation and fees are required to obtain a certificate of ownership? The documentation required to obtain a certificate of ownership after the vehicle's destruction is:

(a) All documents and fees required by chapters 46.01, 46.12, and 46.16 RCW; and

(b) A notarized/certified release of interest or a notarized/certified bill of sale from the owner of the vehicle transferring ownership, except that a bill of sale from a licensed vehicle wrecker or insurer need not be notarized or certified;

(c) An inspection by the Washington state patrol or other person authorized by the director to perform vehicle inspection;

Note: Receipts for all parts used for reconstruction of the vehicle need to be kept and made available upon request at the time of inspection.

(d) An odometer statement, if applicable.)) **(1) What are total loss, destroyed, salvage, and wrecked vehicles?** For the purposes of this section:

(a) A total loss vehicle is one whose destruction has been reported to the department as described in RCW 46.12.070 by an insurer (insurance companies and self-insurers as described in RCW 46.29.630);

(b) A destroyed vehicle is one whose destruction has been reported to the department as described in RCW 46.12.070 by the vehicle's owner;

(c) A salvage vehicle as defined in RCW 46.12.005;

Note: When used in this section, the terms "destroyed" and "destroyed vehicle" include total loss, destroyed, and salvage vehicles.

(d) A wrecked vehicle as defined in RCW 46.80.010(6).

Note: A vehicle may be considered destroyed or wrecked when the evidence of ownership is a salvage certificate/title, insurance company bill of sale, or wrecker bill of sale from any jurisdiction, or when the evidence of ownership indicates the vehicle may be a destroyed vehicle not reported to the department.

(2) How are vehicles reported to the department as total loss, destroyed, salvage, or wrecked?

(a) Insurers may report total loss vehicles to the department:

(i) Electronically through the department's on-line reporting system. Insurers must destroy ownership documents for a vehicle reported this way; or

(ii) By submitting the certificate of ownership or affidavit in lieu of title indicating the vehicle is "DESTROYED"; or

(iii) By submitting a completed total loss claim settlement form (TD 420-074).

Note: Reports of total loss vehicles must include the insurer's name, address, and the date of loss.

(b) Registered or legal owners report a vehicle as destroyed by submitting the certificate of ownership or affidavit in lieu of title indicating the vehicle is "DESTROYED," and must include the registered owner's name, address, and date of loss.

(c) Licensed wreckers report wrecked vehicles as required in RCW 46.80.090.

(d) For vehicles six through twenty years old a statement whether or not the vehicle meets the market value threshold amount as defined in RCW 46.12.005 is also required.

(3) What if the "market value threshold amount" is not provided as required? If the market value threshold amount is not provided when required, the department would treat the report of destruction as if the market value threshold as described in RCW 46.12.005 has been met. The certificate of ownership will be branded according to WAC 308-56A-530.

(4) What documentation is required to obtain a certificate of ownership after a vehicle is destroyed? After a vehicle has been reported destroyed or wrecked and is rebuilt, you must submit the following documentation to the department in order to obtain a new certificate of ownership:

(a) Application for certificate of ownership as described in RCW 46.12.030;

(b) Certificate of vehicle inspection as described in WAC 308-56A-150;

(c) Bill of sale from the insurer, owner, or wrecker who reported the vehicle's destruction to the department.

(i) Bills of sale from insurers must include a representative's signature and title of office;

(ii) Bills of sale from insurers and wreckers do not need to be notarized;

(iii) Bills of sale from owners shown on department records must be notarized or certified;

(iv) A bill of sale is not required when owners shown on department records retain a destroyed vehicle and apply for a new certificate of ownership;

(v) Releases of interest from lien holders are not required since liens are presumed to have been satisfied at the time of settlement of the claim.

(d) Odometer disclosure statement, if applicable.

(5) What is required of a Washington licensed vehicle dealer prior to selling a destroyed or wrecked vehicle? Except as permitted by RCW 46.70.101 (1)(b)(viii), before a dealer may sell a destroyed or wrecked vehicle under their Washington vehicle dealer license, the dealer must:

(a) Rebuild the vehicle to standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles; and

(b) Obtain a vehicle inspection by the Washington state patrol; and

(c) Apply for and receive a certificate of ownership for the vehicle, issued in the name of the vehicle dealer.

(6) Once a destroyed or wrecked vehicle is rebuilt, do the license plates remain with the vehicle? Whether or not the license plates remain with the vehicle depends on the circumstance:

(a) Standard issue license plates may remain with a destroyed vehicle unless they are severely damaged or the vehicle was issued a department temporary permit described in WAC 308-56A-140;

(b) Replacement license plates are required for wrecked vehicles since Washington licensed wreckers are required by WAC 308-63-070 to remove them;

(c) Special license plates may remain with or be transferred to a destroyed or wrecked vehicle;

(d) Applicants may retain the current license plate number as provided for in RCW 46.16.233, unless the vehicle was issued a department temporary permit as described in WAC 308-56A-140.

(7) Will the certificate of ownership or registration certificate indicate "WA REBUILT"? Salvage or wrecked vehicles meeting the criteria described in WAC 308-56A-530 will be branded "WA REBUILT."

WSR 04-08-081

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed April 6, 2004, 8:35 a.m.]

Date of Adoption: April 6, 2004.

Purpose: Make the rules more clear and easier to use, meeting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-56A-500 and 308-56A-505.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 04-04-049 on January 29, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

April 6, 2004

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 02-19-016, filed 9/9/02, effective 10/10/02)

WAC 308-56A-500 Definitions. The following definitions (~~(set forth in RCW 65.20.020 shall)~~) apply to (~~(WAC 308-56A-505-))~~ terms used in chapters 46.12 and 46.16 RCW and (~~(this)~~) chapter (~~(shall have the following meanings except where otherwise defined, and unless where used the context thereof clearly indicates to the contrary))~~) 308-56A WAC:

(1) "Affidavit in lieu of title" is a written declaration confirming the certificate of ownership, registration certificate, validation tab are unavailable, lost, stolen, destroyed or mutilated. The affidavit in lieu of title may be used to release interest in the vehicle. The signature of the owner completing the affidavit in lieu of title must be notarized or certified as described in WAC 308-56A-270.

(2) "Affidavit of loss" is a written statement confirming the certificate of ownership, registration certificate, validation tab or decal has been lost, stolen, destroyed or mutilated. The affidavit of loss release of interest form may be used to release interest in the vehicle and transfer gross weight license for that vehicle to a new owner. The signature of the owner completing the affidavit of loss release of interest must be notarized or certified as described in WAC 308-56A-270.

(3) "Affixed" means attached.

~~((2))~~ (4) "Brands" means a permanent notation on the certificate of ownership and vehicle registration certificate that records a ((special)) circumstance or condition involving a vehicle ((that stays with the vehicle registration or certificate of ownership)).

~~((3))~~ (5) "Certificate of ownership" (or "title") is a legal document indicating proof of ownership.

~~((4))~~ (6) "Comment" means an indication on the certificate of ownership, vehicle title/registration application or vehicle registration certificate that relates to tax liability, type of ownership, title transaction type or a previous condition of the vehicle.

~~((5))~~ (7) "Commercial parking company" means any business directly engaged in providing vehicle parking upon property owned or controlled by the business and approved for public parking of vehicles.

~~((6))~~ (8) "Current license plate registration" means the current registration or one that has been expired less than one year.

(9) "Department" means the same as described in RCW 46.04.162.

~~((7))~~ (10) "Department temporary permit" is a permit issued temporarily (~~(issued)~~) in lieu of permanent registration and license plates when required documentation is unavailable.

~~((8))~~ (11) "Electronic filing" is the use of an electronic method to transmit information to the department that may include, but is not limited to, the use of the internet and facsimile.

(12) "Involuntary divestiture" means a change in vehicle ownership without the registered owner's involvement.

~~((9))~~ (13) "Joint tenancy with rights of survivorship" (JTROS) means (~~(owners)~~) two or more people who own a vehicle in joint tenancy with the right to own individually if one of them dies.

~~((10))~~ (14) "Jurisdiction code" means an abbreviation assigned by the department generally based on the U.S. Postal Service designation that indicates state, province, district, or country.

~~((11))~~ (15) "Legal owner" means the same as described in RCW 46.04.270.

~~((12))~~ (16) "Lien holder" means a person or entity that has a legal right or interest in another's property until a debt or duty that it secures is satisfied.

(17) "Not eligible for road use" (NEFRU) means a vehicle that does not meet Federal Motor Vehicle Safety standards, other federal and/or state standards for public road use as adopted, applied, and enforced by the Washington state patrol described in RCW 46.37.005.

~~((13))~~ (18) "Person" means the same as described in RCW 46.04.405.

~~((14))~~ (19) "Personal representative" means:

(a) An individual appointed by the court; or

(b) An individual named in the last will and testament and confirmed by the court to manage the estate of a deceased person.

Personal representative may also include executor, administrator, special administrator, and guardian or limited guardian and special representative as defined in RCW 11.02.005(1).

~~((15))~~ (20) "Registered owner" means the same as described in RCW 46.04.460.

~~((16))~~ (21) "Security interest" means a property interest created by agreement or by operation of law to secure performance of an obligation (repayment of a debt).

(22) "Security interest holders" means in this instance, the same as "lien holder" as defined in subsection (16) of this section.

(23) "Secured party" means in this instance the same as "lien holder" as defined in subsection (16) of this section.

(24) "Transferee" means a person to whom a vehicle is transferred, by purchase, gift, or any means other than by creation of a security interest, and any person who, as agent, signs an odometer disclosure statement for the transferee, when applicable.

~~((17))~~ (25) "Transferor" means a person who transfers ownership in a vehicle by sale, gift, or any means other than by creation of a security interest and any person who, as agent, signs an odometer disclosure statement for the transferor, when applicable.

(26) "Washington vehicle licensing office" means an office that is operated by the department or an agent or sub-agent appointed under RCW 46.01.140 for the purpose of carrying out the vehicle titling and registration provisions in Title 46 RCW.

AMENDATORY SECTION (Amending WSR 01-11-069, filed 5/14/01, effective 6/14/01)

WAC 308-56A-505 Elimination of manufactured home certificate of ownership (title)—Eligibility. (1) **May I eliminate the ~~(vehicle)~~ certificate of ownership (title) on my manufactured home?** You may eliminate the ~~(vehicle)~~ certificate of ownership (title) on your manufactured home provided you own or are purchasing the manufactured home and the land to which it is affixed as defined in RCW 65.20.020 and 65.20.030.

(2) **How do I apply to eliminate the ~~(vehicle title)~~ certificate of ownership on my manufactured home?** You must complete ~~(and)~~, record and submit a manufactured home ~~(title elimination)~~ application. The application to eliminate ~~(title)~~ the certificate of ownership under chapter 46.12 RCW, and record ownership as real property under chapter 65.20 RCW or to transfer ownership in real property to a title under chapter 46.12 RCW, must be signed by all persons having an interest in the land and ~~(it)~~ the manufactured home as defined in RCW 65.20.020.

(3) **What conditions must be met before the certificate of ownership can be eliminated?** The following conditions must be met before the certificate of ownership will be eliminated:

(a) The manufactured home must be affixed or be in the process of being affixed to the land.

(b) The building permit office certification box on the elimination application must be completed by the issuing authority stating that the home was affixed or that a building permit has been issued for this purpose as described in RCW 65.20.040(3).

(c) If ~~(the)~~ a title company is involved in the elimination transaction, they must certify that the legal description of the land is true and correct per real property records.

(d) The county auditor's recording office must certify that the manufactured home ~~(title elimination)~~ application has been completed correctly and that the applicant has sufficient documentation to proceed with recording the application.

(e) The completed application must be recorded ~~(it)~~ with the county auditor's office in the county ~~(in which)~~ where the manufactured home and land are located.

(f) After recording, the original or a certified copy of the elimination application and any other documents required by the department must be submitted to a vehicle licensing office to complete the elimination process with the appropriate fees. A confirmation letter is sent from the department confirming the elimination of the certificate of ownership.

(g) Failure to finalize the elimination process with a vehicle licensing office will render the elimination incomplete until such time the original or certified copy of the recorded application and any other documents required by the department are submitted to a vehicle licensing office with the appropriate fees.

(4) How do I ~~((record))~~ complete the elimination of my manufactured home ~~((title-elimination))~~ certificate of ownership with the department? ~~((To record your manufactured home title-elimination))~~ You must ~~((-a))~~ submit the recorded manufactured home ~~((title-elimination))~~ application to the department for processing ~~((-b))~~ and pay the applicable fees ~~((-and-e))~~. After it has been processed, you will receive a confirmation letter from the department that your manufactured home ~~((title))~~ certificate of ownership has been eliminated.

~~((If an applicant fails to complete the elimination process after the documents are recorded, the elimination may be void.))~~

(5) What are the fees for elimination of a manufactured home title? The fees for elimination of a manufactured home title are as follows:

(a) Fees as provided in RCW 46.01.140 for each application.

(b) Fees as provided in RCW 46.12.040 for each application.

(c) A fee ~~((of fifteen dollars))~~ for each application to transfer a new or used manufactured home as provided in RCW 59.22.080.

(d) A fee ~~((of twenty-five dollars))~~ for each application to defray the cost of processing documents and performing services as required by chapter 65.20 RCW.

WSR 04-08-093

PERMANENT RULES

OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISE

[Filed April 6, 2004, 1:59 p.m.]

Date of Adoption: April 6, 2004.

Purpose: Add procedures for implementation of chapter 39.19 RCW related to the addition of socially and economically disadvantaged business enterprises (SEDBE) to the state certification program as requested by the 56th legislature in Joint Memorial 8015. The addition allows OMEBE to include businesses that are owned and controlled by persons with disabilities to be certified without fiscal impact.

Citation of Existing Rules Affected by this Order: Amending WAC 326-02-010, 326-02-030, 326-02-040, 326-02-045, 326-07-030, 326-20-010, 326-20-050, 326-20-070, 326-20-080, 326-20-110, 326-20-120, 326-20-160, 326-20-173, and 326-20-180.

Statutory Authority for Adoption: RCW 39.19.030 and 39.19.120.

Adopted under notice filed as WSR 04-02-043 on January 5, 2004.

Changes Other than Editing from Proposed to Adopted Version: Retain "deputy director" as part of WAC 326-07-

030(2). Add example of "persons with disabilities" to WAC 326-02-030(34).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 4, Amended 14, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

April 6, 2004

Carolyn Crowson

Director

AMENDATORY SECTION (Amending WSR 92-11-007, filed 5/11/92, effective 6/11/92)

WAC 326-02-010 Purpose. The purpose and intent of chapter 120, Laws of 1983, and of Title 326 WAC is to provide the maximum practicable opportunity for increased participation by minority ~~((and))~~, women, and socially and economically disadvantaged-owned and controlled businesses in public works and the process by which goods and services are procured by state agencies and educational institutions from the private sector. This purpose will be accomplished by encouraging the full use of existing minority ~~((and))~~, women, and socially and economically disadvantaged-owned and controlled businesses and the entry of new and diversified minority ~~((and))~~, women, and socially and economically disadvantaged-owned and controlled businesses into the marketplace. These rules shall be applied and interpreted to promote this purpose.

AMENDATORY SECTION (Amending WSR 96-24-085, filed 12/3/96, effective 1/3/97)

WAC 326-02-030 Definitions. Words and terms used in this title shall have the same meaning as each has under chapter 120, Laws of 1983, unless otherwise specifically provided in this title, or the context in which they are used clearly indicates that they should be given some other meaning.

(1) "Advisory committee" means the advisory committee on minority ~~((and))~~, women ~~((s))~~, and socially and economically disadvantaged individual's business enterprises.

(2) "Broker" means a person that provides a bona fide service, such as professional, technical, consultant, brokerage, or managerial services and assistance in the procurement of essential personnel, facilities, equipment, materials, or supplies required for performance of a contract.

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(3) "Certified business" or "certified" means a business or the status of a business that has been examined by the Washington state office of minority and women's business enterprises and deemed to be a minority business enterprise (MBE), a women's business enterprise (WBE), a minority woman's business enterprise (MWBE), ~~((or))~~ a combination business enterprise (CBE), or socially and economically disadvantaged business enterprise (SEDBE).

(4) "Class of contract basis" means an entire group of contracts having a common characteristic. Examples include, but are not limited to, personal service contracts, public works contracts, leases, purchasing contracts, and contracts for specific types of goods and/or services.

(5) "Combination business enterprise" or "CBE" means a small business concern organized for profit, performing a commercially useful function, that is fifty percent owned and controlled by one or more minority men or MBEs certified by the office and fifty percent owned and controlled by one or more nonminority women or WBEs certified by the office. The owners must be United States citizens or lawful permanent residents.

(6) "Commercially useful function" means the performance of real and actual services which are integral and necessary in the discharge of any contractual endeavor, and not solely for the purpose of obtaining certification or obtaining credit for participation goal attainment.

(7) "Common industry practices" means those usages, customs, or practices which are ordinary, normal, or prevalent among businesses, trades, or industries of similar types engaged in similar work in similar situations in the community.

(8) "Conduit" means a certified business which agrees to be named as a subcontractor on a contract in which such certified business does not perform the work but, rather, the work is performed by the prime contractor, prime consultant, material supplier, purchasing contractor, or any other noncertified business.

(9) "Contract" means a mutually binding legal relationship (including a purchase order, lease, or any modification thereof), which obligates the seller to furnish goods or services (including construction), and the buyer to pay for them.

(10) "Contract by contract basis" means a single contract within a specific class of contracts.

(11) "Contractor" means a party who enters into a contract directly with a state agency or educational institution.

(12) "Corporate-sponsored dealership" means a business that does not meet the requirements for certification but is participating in a program specifically developed by a national or regional corporation to address the present-day issue of lack of opportunities for minorities or women in the dealership industry.

(13) "Director" means the director of the office of minority and women's business enterprises.

(14) "Economically disadvantaged individuals" means socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially disadvantaged.

(15) "Educational institutions" means the state universities, the regional universities, The Evergreen State College, and the community colleges.

~~((15))~~ (16) "Front" means a business which purports to be eligible for certification but is not in fact legitimately owned and controlled by minorities, women, socially and economically disadvantaged individuals, or a combination thereof.

~~((16))~~ (17) "Goods and/or services" means all goods and services, including professional services.

~~((17))~~ (18) "Graduation" means the business is no longer certified because it is no longer a small business concern.

(19) "Heavy construction" means construction other than building construction; e.g., highway or street, sewer and pipeline, railroad, communication and power line, flood control, irrigation, marine, etc.

~~((18))~~ (20) "Joint venture" means a partnership of two or more persons or businesses created to carry out a single business enterprise for profit, for which purpose they combine their capital, efforts, skills, knowledge or property and in which they exercise control and share in profits and losses in proportion to their contribution to the enterprise.

~~((19))~~ (21) "Legitimately owned and controlled" means that minorities, women, socially and economically disadvantaged individuals, or a combination thereof, own at least fifty-one percent interest in the business (unless the business qualifies as a corporate sponsored dealership under the provisions of subsection (12) of this section and WAC 326-20-050(4)); and the minorities, women, socially and economically disadvantaged individuals, or combination thereof, possess and exercise sufficient expertise specifically in the firm's field of operation to make decisions governing the long-term direction and the day-to-day operations of the firm.

~~((20))~~ (22) "Manufacturer" means a business which owns, operates, or maintains a factory or establishment that produces or creates goods from raw materials or substantially alters goods before reselling them.

~~((21))~~ (23) "Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

(a) Black: Having origins in any of the black racial groups of Africa;

(b) Hispanic: Of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(c) Asian American: Having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; or

(d) American Indian or Alaskan Native: Having origins in any of the original peoples of North America.

~~((22))~~ (24) "Minority business enterprise," "minority-owned business enterprise," or "MBE" means a small business concern, organized for profit, performing a commercially useful function, which is legitimately owned and controlled by one or more minority individuals or minority business enterprises certified by the office. The minority owners must be United States citizens or lawful permanent residents.

~~((23))~~ (25) "Minority women's business enterprise" or "MWBE" means a small-business concern, organized for profit, performing a commercially useful function, which is

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legitimately owned and controlled by one or more minority women and is certified by the office. The owners must be United States citizens or lawful permanent residents.

((24)) (26) "Office" means the office of minority and women's business enterprises of the state of Washington.

((25)) (27) "Pass-through" means a certified business which buys goods from a noncertified business and simply resells those goods to the state, state contractors or other persons doing business with the state for the purpose of allowing those goods to be counted towards fulfillment of WBE or MBE goals.

((26)) (28) "Person" means one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons.

((27)) (29) "Personal net worth" means the socially and economically disadvantaged individual's net personal assets and liabilities, excluding an individual's ownership interest in the applicant firm and the individual's equity in his or her primary residence. If the statement of personal net worth that an individual submits shows that the individual's personal net worth exceeds seven hundred fifty thousand dollars, the individual's economic disadvantage is rebutted.

(30) "Procurement" means the purchase, lease, or rental of any goods or services.

((28)) (31) "Public works" means all work, including construction, highway and ferry construction, alteration, repair, or improvement other than ordinary maintenance, which a state agency or educational institution is authorized or required by law to undertake.

((29)) (32) "Regular dealer" means a certified business that owns, operates, or maintains a store, warehouse or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business.

((30)) (33) "Services((;))" in the context of "goods and/or services," means all services including, but not limited to, client services, personal services, and purchased services as defined in RCW 39.29.006.

((31)) (34) "Socially disadvantaged individuals" means those individuals who have been subjected to racial or ethnic prejudice or cultural bias, gender, disability, long-term residence in an isolated environment, or other similar causes negatively impacting entry into or advancement in the business world within American society because of their identities as members of groups and without regard to their individual qualities. Social disadvantage must stem from circumstances beyond their control.

(35) "Socially and economically disadvantaged business enterprise" or "SEDBE" means a small-business concern, organized for profit, performing a commercially useful function, which is legitimately owned and controlled by one or more socially and economically disadvantaged individuals or socially and economically disadvantaged business enterprises certified by the office. The socially and economically disadvantaged owners must be United States citizens or lawful permanent residents.

(36) "Socially and economically disadvantaged individual" means a person who is a citizen or lawful permanent resident of the United States and who is:

(a) Found to be a socially and economically disadvantaged individual on a case-by-case basis by OMWBE; or

(b) A member of one of the following groups that are presumed to be socially and economically disadvantaged:

(i) Minority;

(ii) Women;

(iii) Any additional groups whose members are designated as socially and economically disadvantaged by the U.S. Small Business Administration (SBA), at such time as the SBA designation becomes effective.

(37) "State agency" includes the state of Washington and all agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions. "State agency" does not include the judicial or legislative branches of government except to the extent that procurement or public works for these branches is performed by a state agency.

((32)) (38) "Subcontractor" means a party that indirectly provides goods or services, including but not limited to construction, to a state agency or educational institution through a contractor.

((33)) (39) "Supplier" means a manufacturer or regular dealer that:

(a) Provides or furnishes goods or materials;

(b) Performs a commercially useful function; and

(c) Is not considered a conduit, front, pass-through or broker.

((34)) (40) "Switch business" means a business which was previously owned and controlled by a man, men or non-minorities, or individuals who are not socially and economically disadvantaged, which has made technical changes to its business structure so that it is now purportedly owned and controlled by a woman or women or by a minority person or persons, or by a socially and economically disadvantaged individual or individuals, but continues to operate in substantially the same manner as it did prior to the written revisions of the business structure.

((35)) (41) "Women's business enterprise," "women-owned business enterprise," or "WBE" means a small business concern, organized for profit, performing a commercially useful function, which is legitimately owned and controlled by one or more women or women's business enterprises certified by the office. The women owners must be United States citizens or lawful permanent residents.

AMENDATORY SECTION (Amending WSR 92-11-007, filed 5/11/92, effective 6/11/92)

WAC 326-02-040 Prohibited activities with regard to chapter 39.19 RCW. (1) RCW 39.19.080 makes it unlawful for a person, firm, corporation, business, union, or other organization to:

(a) Prevent or interfere with a contractor's or subcontractor's compliance with this chapter, or any rule adopted under this chapter;

(b) Submit false or fraudulent information to the state concerning compliance with this chapter or any such rule;

(c) Fraudulently obtain, retain, attempt to obtain or retain, or aid another in fraudulently obtaining or retaining or attempting to obtain or retain certification as a minority ((ø)), women((s)), or socially and economically disadvan-

taged individual's business enterprise for the purpose of this chapter;

(d) Knowingly make a false statement, whether by affidavit, verified statement, report, or other representation, to a state official or employee for the purpose of influencing the certification or denial of certification of any entity as a minority ((~~or~~)), women(~~'s~~), or socially and economically disadvantaged individual's business enterprise;

(e) Knowingly obstruct, impede, or attempt to obstruct or impede any state official or employee who is investigating the qualification of a business entity that has requested certification as a minority ((~~or~~)), women(~~'s~~), or socially and economically disadvantaged individual's business enterprise;

(f) Fraudulently obtain, attempt to obtain, or aid another person in fraudulently obtaining or attempting to obtain public moneys to which the person is not entitled under this chapter;

(g) Knowingly make false statements that any entity is or is not certified as a minority ((~~or~~)), women(~~'s~~), or socially and economically disadvantaged individual's business enterprise for purposes of obtaining a contract governed by this chapter;

(h) To fail or refuse to comply with any provision of chapter 39.19 RCW or with a contract requirement established under this chapter.

(2) A certified business engages in prohibited activity when it fails to perform a commercially useful function on any public-sector contract or procurement. Failure to perform a commercially useful function occurs when a business:

(a) Functions as a conduit; or

(b) Functions as a pass-through; except brokers and firms operating in industries where such activity is common industry practice, e.g., insurance or real estate.

(3) A business that is deemed to be a switch business is also deemed to have engaged in prohibited activity.

AMENDATORY SECTION (Amending WSR 92-11-007, filed 5/11/92, effective 6/11/92)

WAC 326-02-045 Factors considered in determining performance of commercially useful function. (1) In determining the performance of a commercially useful function, factors which may be considered include, but are not limited to, the following:

(a) Whether the work to be performed by the business is within the scope of work included in the Standard Industrial Classification code(s) under which the business is listed in the directory of certified businesses published by the office or in the records of the office.

(b) Whether the business could be considered a conduit, front, or pass-through;

(c) Whether the minority and/or woman and/or socially and economically disadvantaged individual owner(s) has the skill and expertise to perform the work for which the business is being or has been certified;

(d) Whether the business is or will be responsible for executing a distinct element of work in the performance of a contract; and the principals or employees of the business actually perform, manage, and supervise the work for which the business is or will be responsible;

(2) In addition, a business that functions as a supplier shall:

(a) Be the manufacturer of the goods or materials or assume the actual and contractual responsibility for furnishing the goods or materials and execute material changes in the configuration of those goods or materials; or

(b) Prior to submitting an application for certification, secure a contract or distributor agreement with a manufacturer to act as an independent authorized representative capable of passing on product warranties to the purchaser.

(3) Factors which may indicate that a supplier is not performing a commercially useful function include, but are not limited to, the following:

(a) A minimum amount of inventory is not maintained.

(b) Billing and shipping arrangements are performed by nonowners or staff of nonowners.

(c) A significant amount of deliveries are shipped directly from the producer or manufacturer to the end user.

(d) The firm does not take ownership of the product.

AMENDATORY SECTION (Amending WSR 92-24-107, filed 12/2/92, effective 1/2/93)

WAC 326-07-030 Description of office organization.

(1) The office is located at 406 South Water Street, Olympia, Washington 98504.

(2) The office consists of a director, deputy director, confidential secretary, support staff, and three divisions; certification, (~~monitoring~~) agency support and business development, and information services.

(3) The office provides the following services: Certification of businesses, monitoring agency/educational institution compliance with chapter 39.19 RCW and this title, publication of a list of certified businesses, identification of barriers to participation by minority (~~and~~), women, and socially and economically disadvantaged-owned businesses in the contracting and procurement processes of state agencies and educational institutions, and development of a plan which ensures opportunities for qualified minority (~~and~~), women, and socially and economically disadvantaged-owned businesses to participate.

AMENDATORY SECTION (Amending WSR 92-11-007, filed 5/11/92, effective 6/11/92)

WAC 326-20-010 In general. (1) Any business which meets the definition of a minority business enterprise, a women's business enterprise, a minority woman's business enterprise, or a combination minority and women's business enterprise, or socially and economically disadvantaged business enterprise, or corporate-sponsored dealership as set forth in this title, is eligible to be certified by the state of Washington.

(2) It is not the intent of the program to encourage the participation of businesses owned and controlled by minorities, and/or women, and/or socially and economically disadvantaged individuals, who have not encountered practices which prohibited or limited their access to contract opportunities, markets, financing, and other resources, based on their race, ethnic origin, or sex, or disability.

(3) Notwithstanding the provisions in subsection (1) of this section, to be eligible for certification, any business applying for certification shall have obtained all licenses necessary to lawfully conduct business in the state of Washington.

NEW SECTION

WAC 326-20-045 Proof of socially and economically disadvantaged status. The following guidance is adapted, with minor modifications, from the United States Small Business Administration's regulations concerning social and economic disadvantage determinations (see 13 CFR 124.103(c) and 124.104) and 49 CFR Part 26. Each nonpresumptive socially and economically disadvantaged owner of a business applying for certification shall submit with the application form the statement of personal net worth and social and economic disadvantage forms with documents which show that the owner is a socially and economically disadvantaged individual. The final determination will be in the sole discretion of the office.

NEW SECTION

WAC 326-20-046 Proof of social disadvantage. (1) Evidence of individual social disadvantage must include the following elements:

(a) At least one objective distinguishing feature that has contributed to social disadvantage, such as race, ethnic origin, gender, disability, long-term residence in an environment isolated from the mainstream of American society, or other similar causes not common to individuals who are not socially disadvantaged;

(b) Personal experiences of substantial and chronic social disadvantage in American society, not in other countries; and

(c) Negative impact on entry into or advancement in the business world because of the disadvantage. The office will consider any relevant evidence in assessing this element. In every case, however, the office will consider education, employment and business history, where applicable, to see if the totality of circumstances shows disadvantage in entering into or advancing in the business world.

(i) Education. The office will consider such factors as denial of equal access to institutions of higher education and vocational training, exclusion from social and professional association with students or teachers, denial of educational honors rightfully earned, and social patterns or pressures which discouraged the individual from pursuing a professional or business education.

(ii) Employment. The office will consider such factors as unequal treatment in hiring, promotions and other aspects of professional advancement, pay and fringe benefits, and other terms and conditions of employment; retaliatory or discriminatory behavior by an employer or labor union; and social patterns or pressures which have channeled the individual into nonprofessional or nonbusiness fields.

(iii) Business history. The office will consider such factors as unequal access to credit or capital, acquisition of credit or capital under commercially unfavorable circumstances, unequal treatment in opportunities for government

contracts or other work, unequal treatment by potential customers and business associates, and exclusion from business or professional organizations.

(2) With respect to subsection (1) of this section, the office notes that people with disabilities have disproportionately low incomes and high rates of unemployment. Many physical and attitudinal barriers remain to their full participation in education, employment, and business opportunities available to the general public. The Americans with Disabilities Act (ADA) was passed in recognition of the discrimination faced by people with disabilities. It is plausible that many individuals with disabilities—especially persons with severe disabilities (e.g., significant mobility, vision, or hearing impairments)—may be socially and economically disadvantaged.

(3) Under the laws concerning social and economic disadvantage, people with disabilities are not a group presumed to be disadvantaged. Nevertheless, the office shall look carefully at individual showings of disadvantage by individuals with disabilities, making a case-by-case judgment about whether such an individual meets the criteria of this section. Subject to Title II of the ADA, the office must also ensure its SEDBE programs are accessible to individuals with disabilities. For example, physical barriers or the lack of application and information materials in accessible formats cannot be permitted to thwart the access of potential applicants to the certification process or other services made available to SEDBEs and applicants.

NEW SECTION

WAC 326-20-047 Proof of economic disadvantage. Evidence of individual social disadvantage must include the following elements:

(1) Submission of narrative and financial information.

(a) Each individual claiming economic disadvantage must describe the conditions, which are the basis for the claim in a narrative statement, and must submit personal financial information.

(b) When married, an individual claiming economic disadvantage also must submit separate financial information for his or her spouse, unless the individual and the spouse are legally separated.

(2) Factors to be considered. In considering diminished capital and credit opportunities, the office will examine factors relating to the personal financial condition of any individual claiming disadvantaged status, including personal income for the past two years (including bonuses and the value of company stock given in lieu of cash), personal net worth, and the fair market value of all assets, whether encumbered or not. The office will also consider the financial condition of the applicant compared to the financial profiles of small businesses in the same primary industry classification, or, if not available, in similar lines of business, which are not owned and controlled by socially and economically disadvantaged individuals in evaluating the individual's access to credit and capital. The financial profiles that the office will compare include total assets, net sales, pretax profit, sales/working capital ratio, and net worth.

(3) Transfers within two years.

(a) Except as set forth in (b) of this subsection, the office will attribute to an individual claiming disadvantaged status any assets which that individual has transferred to an immediate family member, or to a trust, a beneficiary of which is an immediate family member, for less than fair market value, within two years prior to a concern's application for participation in the program, unless the individual claiming disadvantaged status can demonstrate that the transfer is to or on behalf of an immediate family member for that individual's education, medical expenses, or some other form of essential support.

(b) The office will not attribute to an individual claiming disadvantaged status any assets transferred by that individual to an immediate family member that are consistent with the customary recognition of special occasions, such as birthdays, graduations, anniversaries, and retirements.

(c) In determining an individual's access to capital and credit, the office may consider any assets that the individual transferred within such two-year period described by (a) of this subsection that are not considered in evaluating the individual's assets and net worth (e.g., transfers to charities).

NEW SECTION

WAC 326-20-048 Presumption of disadvantage. (1)

The office presumes that citizens of the United States or lawfully admitted permanent residents who are women, African Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, or other minorities found to be disadvantaged by the program, are socially and economically disadvantaged individuals. Applicants are required to submit a signed, notarized certification that each disadvantaged owner is, in fact, socially and economically disadvantaged.

(2)(a) The office requires each individual nonpresumptive socially and economically disadvantaged owner of a firm applying to participate as a SEDBE whose ownership and control are relied upon for SEDBE certification to submit a signed, notarized statement of personal net worth, with appropriate supporting documentation.

(b) In determining net worth, the office excludes an individual's ownership interest in the applicant firm and the individual's equity in his or her primary residence (except any portion of such equity that is attributable to excessive withdrawals from the applicant firm). A contingent liability does not reduce an individual's net worth.

(i) Rebuttal of disadvantage. If the statement of personal net worth that an individual submits under this section shows that the individual's personal net worth exceeds seven hundred fifty thousand dollars, the individual's economic disadvantage is rebutted. The office is not required to have a proceeding under this section in order to rebut the presumption of economic disadvantage in this case.

(ii) When an individual's social and/or economic disadvantage has been rebutted, his or her ownership and control of the firm in question cannot be used for purposes of SEDBE eligibility under this section unless and until he or she makes an individual showing of social and/or economic disadvantage. If the basis for rebutting a determination that the indi-

vidual's personal net worth exceeds seven hundred fifty thousand dollars, the individual is no longer eligible for participation in the program and cannot regain eligibility by making an individual showing of disadvantage.

(3) Individual determinations of social and economic disadvantage. Firms owned and controlled by individuals who are not presumed to be socially and economically disadvantaged may apply for SEDBE certification. The office makes a case-by-case determination of whether each individual whose ownership and control are relied upon for SEDBE certification is socially and economically disadvantaged. In such a proceeding, the applicant firm has the burden of demonstrating to the office, by a preponderance of the evidence, that the individuals who own and control it are socially and economically disadvantaged. An individual whose personal net worth exceeds seven hundred fifty thousand dollars shall not be deemed to be economically disadvantaged. In making these determinations, the office uses the guidance found in 49 CFR Part 26, Appendix E. The office requires that applicants provide sufficient information to permit determinations under the guidance of 49 CFR Part 26, Appendix E.

AMENDATORY SECTION (Amending WSR 92-11-007, filed 5/11/92, effective 6/11/92)

WAC 326-20-050 Proof of ownership of business. (1)

All minority ((~~or~~)), women, or socially and economically disadvantaged owners shall submit to the office proof of their ownership of the requisite percentage of the business at the time the application is submitted. Such proof shall consist of stock certificates, a notarized affidavit of stock ownership from the corporate treasurer, a partnership agreement, ((~~cancelled~~)) canceled check used to purchase ownership, or other recognized proof of ownership. The ownership shall be real, substantial, and continuing, shall go beyond the pro forma ownership of the business reflected in the ownership documents, and shall be based on the owner's capital contribution. The minority, and/or women, and/or socially and economically disadvantaged owner(s) shall enjoy the customary incidents of ownership and shall share in the risks and profits commensurate with their ownership interests, as demonstrated by an examination of the substance and the form of the arrangements.

(2) In cases of sole proprietorships or other cases where documentary proof of ownership is not available, the minority ((~~or~~)), women, or socially and economically disadvantaged owners shall so advise the office, which may undertake further investigation. The office may also require documents showing how and when the minority ((~~or~~)), women, or socially and economically disadvantaged owners' interest in the business was acquired.

(3) The office may, for any reason, require any minority ((~~or~~)), women, or socially and economically disadvantaged owners to provide additional proof of, or information concerning, ownership. The office may request additional information regarding separate ownership of a business including, but not limited to, a separate property agreement.

(4) Ownership of a corporate-sponsored dealership shall be evaluated by using the following standards:

(a) The minority ((~~or~~)), women, or socially and economically disadvantaged owner(s) have entered into a written agreement, contract, or arrangement with a national or regional corporation and has been granted a license to offer, sell, or distribute goods or services at wholesale or retail, leasing, or otherwise use the name, service mark, trademark, or related characteristics of the sponsoring corporation.

(b) The capital investment for the dealership or business is jointly contributed by the minority ((~~or~~)), women, or socially and economically disadvantaged owner(s) and the sponsoring corporation.

(c) The original investment contributed by the minority ((~~or~~)), women, or socially and economically disadvantaged owner(s) may be less than fifty-one percent, but must constitute at least twenty-five percent of the capitalization investment (total required equity capital) in the dealership corporation.

(d) A specified time limit of not more than ten years must be established, binding between the minority ((~~or~~)), women, or socially and economically disadvantaged owner(s) and the sponsoring corporation, within which the buy-out of the corporate sponsor's interest shall be complete.

(e) The sponsoring corporation must have specifically developed a national or regional corporate sponsored dealership program which includes such features as capitalization assistance from the sponsoring corporation, on-going business operations training, technical assistance to the dealership owner, and a corporate sponsored minority ((~~and~~)), women(~~'s~~), and socially and economically disadvantaged individual's business program.

(f) The minority ((~~or~~)), women, or socially and economically disadvantaged owner(s) must demonstrate that the relationship between the corporate sponsor and the minority ((~~or~~)), women(~~'s~~), or socially and economically disadvantaged individual's business was not formed for the primary purpose of achieving certification under chapter 39.19 RCW, or any similar provision of any ordinance, regulation, rule, or law.

AMENDATORY SECTION (Amending WSR 92-11-007, filed 5/11/92, effective 6/11/92)

WAC 326-20-070 Counting ownership held in trust. In determining whether the fifty-one percent ownership requirement is met, no stock or ownership held in trust shall be counted, except in the following cases:

(1) Where both the trustee and the beneficiary are minorities, or both are women, or both are socially and economically disadvantaged individuals, and the trustee meets the control requirement; or

(2) Where the stock or ownership is held in an irrevocable trust for the benefit of a minority ((~~or~~)), a woman, or a socially and economically disadvantaged individual, and the minority ((~~or~~)), woman, or socially and economically disadvantaged beneficiary meets the control requirement.

AMENDATORY SECTION (Amending WSR 92-11-007, filed 5/11/92, effective 6/11/92)

WAC 326-20-080 Factors considered in determining control. (1) The minority ((~~or~~)), woman, or socially and eco-

nomically disadvantaged owner(s) must possess and exercise managerial and operational control over the day-to-day affairs of the business.

(a) Managerial control. The minority ((~~or~~)), woman, or socially and economically disadvantaged owner(s) has the demonstrable ability to make independent and unilateral business decisions needed to guide the future and direction of the firm.

(b) Operational control. The minority ((~~or~~)), woman, or socially and economically disadvantaged owner(s) has the demonstrable ability to independently make basic decisions pertaining to the daily operations of the business.

(2) Whether a minority ((~~or~~)), woman, or socially and economically disadvantaged owner meets the control requirement is determined on an application-by-application basis. Office management, clerical, or other experience unrelated to the firm's field of operations, is insufficient to establish that the business is legitimately owned and controlled.

(3) Factors which may be considered in determining whether the minority ((~~or~~)), woman, or socially and economically disadvantaged owner meets the control requirement include, but are not limited to, the following:

(a) Authority and restrictions as indicated in the articles of incorporation, bylaws, partnership agreements and/or other business agreements and documents;

(b) The financial interest and/or participation in any other business by any owner or key personnel;

(c) Past and current employment history of minority and women owners involved in the business;

(d) Members of the board of directors and corporate officers;

(e) Experience, training, and expertise of any owners and key personnel;

(f) Recent changes in ownership and/or control of the business;

(g) Financial obligation to and capital contributions from owners and nonowners of the business; and

(h) Documentation indicating who has ultimate authority to make policy and management decisions and to legally obligate the business.

(4) If persons who are not minorities ((~~or~~)), women, or socially and economically disadvantaged are disproportionately responsible for the operation of the business, then the business is not eligible for certification.

(5) The requirements of this section shall not apply, if the business qualifies as a corporate-sponsored dealership under the provisions of WAC 326-20-050(4). Control of a corporate-sponsored dealership will be evaluated using the following standards:

(a) If the sponsoring corporation retains majority voting rights and control of the board of directors, then the minority ((~~or~~)), women, or socially and economically disadvantaged owner(s) must annually apply at least fifty percent of the net profit and bonuses toward the buy-out of the corporate sponsors' interest within the buy-out time limit established with the corporation.

(b) The minority ((~~or~~)), women, or socially and economically disadvantaged owner(s) must show active participation in the decision-making process on the board of directors of the dealership.

(c) The minority ((~~or~~)), women, or socially and economically disadvantaged owner(s) must have and exercise managerial and operational control over the day-to-day management of the dealership, with responsibility for sales, service volume, and profits.

(d) The minority ((~~or~~)), women, or socially and economically disadvantaged owner(s) must have prior business or management experience relating to the business being entered into as an owner.

(e) The minority ((~~or~~)), women, or socially and economically disadvantaged owner(s) must be president of any corporation formed by the business.

AMENDATORY SECTION (Amending WSR 92-11-007, filed 5/11/92, effective 6/11/92)

WAC 326-20-110 Application process. (1) The office will develop and make available an application form for certification under chapter 39.19 RCW, and WAC 326-20-010. The application form may be modified at any time. The form will solicit enough information to determine whether the applicant is eligible for certification for state-funded projects and may include supplemental questions necessary to determine whether the applicant is eligible for certification for a specific federally-funded project. As part of its investigation, the office may require minority ((~~and~~)), women, and socially and economically disadvantaged owners to provide information in addition to that requested on the application forms.

(2) Where additional information is required from the applicant business to complete the investigation, the office may request the information in writing and may impose a time limit of not more than twenty days in which the applicant must respond. The letter shall include notice to the applicant that, if the applicant fails to provide the information within the time requested, the file will be closed administratively. If all the requested information is not received by the office within the twenty days, the office may administratively close the file. The applicant will be notified in writing that the file has been administratively closed.

(3) Upon timely receipt of a written request for extension of the time to respond to the request for additional information, an extension of time to respond may be granted by the director. A showing of extenuating circumstances may be required, and granting of such request for extension is in the sole discretion of the director.

(4) Administrative closure means that the file is placed in inactive status, and further processing of the application is suspended. An applicant may petition the office for reopening or reactivation of the application file, by written request to the director. Requests to reopen will be granted in the sole discretion of the director. The applicant will be notified in writing of the director's decision to grant or deny the request to reactivate the file. If the request is denied, the applicant may submit a new application: Provided, That an applicant may not file more than one additional application within a year from the date of the closure. If the file is administratively reopened and processing resumed, the application will be processed as if it had been received on the date the request to reopen the file is granted by the director.

AMENDATORY SECTION (Amending WSR 94-11-114, filed 5/18/94, effective 6/18/94)

WAC 326-20-120 Submittal of forms. Application forms may be submitted by mail to the office at the following address:

STATE OF WASHINGTON
OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES
PO BOX 41160
OLYMPIA, WA 98504-1160

Forms may also be delivered to the office at its location, 406 South Water Street, Olympia, Washington.

The minority ((~~or~~)), woman, or socially and economically disadvantaged owner shall be responsible for ensuring that the form is complete and accurate and is properly delivered to the office. The applicant should keep a copy of the completed form and all documents submitted with the form for its own reference.

AMENDATORY SECTION (Amending WSR 92-11-007, filed 5/11/92, effective 6/11/92)

WAC 326-20-160 Burden of proof. The applicant shall have the burden of proving to the satisfaction of the office that it is eligible for certification or recertification.

AMENDATORY SECTION (Amending WSR 92-11-007, filed 5/11/92, effective 6/11/92)

WAC 326-20-173 Expiration of certification upon death or disability of owner of certified business. (1) Upon death or commencement of long-term disability of the minority ((~~or~~)), woman, or socially and economically disadvantaged owner of a certified business, the guardian of the disabled owner, the executor of the owner's estate, or other person shall notify the office in writing within thirty days of the death or documented disability. All notifications of long-term disability shall be documented by a statement from a qualified physician.

(2) "Long-term disability," for purposes of this section, shall mean the permanent inability to work, or inability to control the day-to-day operations of the business for a period of three consecutive months (ninety days or more), including both mental or physical incompetence.

(3) The certification of a business shall expire thirty days after receipt by the office of a notice of a death or documented disability of the owner of the business. Upon expiration of certification, the office shall notify the firm, in writing, that it has been decertified. The decertification decision will be considered final for purposes of WAC 326-08-015.

AMENDATORY SECTION (Amending WSR 92-11-007, filed 5/11/92, effective 6/11/92)

WAC 326-20-180 Effect of certification. Certification ((~~as a MWBE~~)) by OMWBE under the state program shall have the following effects:

(1) Certification shall entitle state agencies, educational institutions, and local government jurisdictions to count the business toward meeting their goals under this chapter, local

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legislation, and that require the participation of disadvantaged business enterprises. Certification shall be effective as of the date the decision is made in writing and will remain in effect for three years; except that the certification of DBEs shall be ~~((renewed))~~ updated annually.

(2) Certification does not constitute compliance with any other laws or regulations, including contractor registration or prequalification, and does not relieve any business of its obligations under other laws or regulations. Certification does not constitute any determination by the office that the firm is responsible or capable of performing any work.

WSR 04-08-100
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Board of Physical Therapy)
 [Filed April 6, 2004, 2:41 p.m.]

Date of Adoption: February 27, 2004.

Purpose: The rules identify when various entities must report to the Board of Physical Therapy regarding a physical therapist's conduct. The rules add the phrase "mandatory reporting" to the title for each section. The definition of home health agencies is included in WAC 246-915-210. In addition, the phrase "and home health agencies" is added to the title of WAC 246-915-230 in order to add clarity and emphasis to include the practices of physical therapy in home settings. The rules clarify the information that should be reported, and make editorial changes to improve the clarity of the rules.

Citation of Existing Rules Affected by this Order: Amending WAC 246-915-210 through 246-915-280, mandatory reporting.

Statutory Authority for Adoption: RCW 18.74.023(3).

Other Authority: RCW 18.130.070.

Adopted under notice filed as WSR 04-03-107 on January 21, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 8, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 8, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 8, Repealed 0.

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

February 27, 2004

Sam Stockton, PT, Chair
 Board of Physical Therapy

AMENDATORY SECTION (Amending Order 144B, filed 2/20/91, effective 3/23/91)

WAC 246-915-210 Mandatory reporting—General provisions. (1) The following definitions apply to the requirements for mandatory reporting set out in WAC 246-915-220 through 246-915-280:

~~((a))~~ (a) "Unprofessional conduct" as used in these regulations shall mean the conduct described in RCW 18.130.180.

~~((2))~~ (b) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

~~((3))~~ (c) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

~~((4))~~ (d) "Home health agency" means a person administering or providing two or more home health services directly or through a contract arrangement to individuals in places of temporary or permanent residence. A person administering or providing nursing services only may elect to be designated a home health agency for purposes of licensure.

(e) "Board" means the physical therapy board, whose address is:

Department of Health
~~((1300 Quince Street))~~
 P.O. Box 47868
 Olympia, WA 98504-7868

~~((5))~~ (f) "Physical therapist" means a person licensed pursuant to chapter 18.74 RCW.

~~((6))~~ (g) "Mentally or physically disabled physical therapist" means a physical therapist who has either been determined by a court to be mentally incompetent or mentally ill or who is unable to practice physical therapy with reasonable skill and safety to patients by reason of any mental or physical condition.

(2) All reports required by WAC 246-915-220 through 246-915-280 shall be submitted to the board as soon as possible. A report shall contain the following information if known:

(a) The name, address and telephone number of the person making the report.

(b) The name and address and telephone numbers of the physical therapist being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid the evaluation of the report.

AMENDATORY SECTION (Amending Order 103B, filed 12/21/90, effective 1/31/91)

WAC 246-915-220 Mandatory reporting—Physical therapists. (1) ~~((All reports required by these regulations shall be submitted to the board as soon as possible, but no later than sixty days after a determination is made.~~

(2) A report should contain the following information if known:

(a) The name, address and telephone number of the person making the report.

(b) The name and address and telephone numbers of the physical therapist being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid the evaluation of the report.)) Physical therapists shall report to the board if the therapist has knowledge that:

(a) Another therapist has committed unprofessional conduct under RCW 18.130.180, including violations of chapter 18.74 RCW and chapter 246-915 WAC; or

(b) A physical therapist is unable to practice with reasonable skill and safety as the result of a physical or mental condition.

(2) Failure to comply with these reporting requirements may constitute a violation of laws which regulate the practice of physical therapy.

AMENDATORY SECTION (Amending Order 103B, filed 12/21/90, effective 1/31/91)

WAC 246-915-230 Health care institutions and home health agencies—Mandatory reporting. The chief administrator or executive officer of any hospital, home health agency, or nursing home shall report to the board when any physical therapist's services are terminated or are restricted based on a determination that the physical therapist has either committed an act or acts which may constitute unprofessional conduct or that the physical therapist may be mentally or physically disabled.

AMENDATORY SECTION (Amending Order 103B, filed 12/21/90, effective 1/31/91)

WAC 246-915-240 Physical therapy associations or societies—Mandatory reporting. The president or chief executive officer of any physical therapy association or society within this state shall report to the board when ~~((an association or society determines that a physical therapist has committed unprofessional conduct or that a physical therapist may not be able to practice physical therapy with reasonable skill and safety to patients as the result of any mental or physical condition and constitutes an apparent risk to the public health, safety or welfare. The report required by this subsection shall be made without regard to whether the license holder appeals, accepts or acts upon the determination made by the association or society. Notification of appeal shall be included))~~ the association or society has determined the physical therapist:

(1) Demonstrated incompetence or acted with negligence in the practice of physical therapy;

(2) Has engaged in unprofessional conduct under RCW 18.130.180; or

(3) Is mentally or physically unable to perform as a physical therapist. The report shall be made regardless to whether the physical therapist appeals, accepts or acts upon the determination made by the association or society. Any notification of appeals shall be included with the report.

AMENDATORY SECTION (Amending Order 103B, filed 12/21/90, effective 1/31/91)

WAC 246-915-250 Health care service contractors and disability insurance carriers—Mandatory reporting. The executive officer of ~~((every))~~ any health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A and 48.44 RCW operating in the state of Washington, shall report to the board all final determinations that a physical therapist has engaged in overcharging for services or has engaged in overutilization of services or has charged fees for services not actually provided.

AMENDATORY SECTION (Amending Order 103B, filed 12/21/90, effective 1/31/91)

WAC 246-915-260 Professional liability carriers—Mandatory reporting. ~~((Every))~~ Any institution or organization providing professional liability insurance directly or indirectly to physical therapists shall send a complete report of any malpractice settlement, award or payment as a result of a claim or action for damages alleged to have been caused by an insured physical therapist's incompetency or negligence in the practice of physical therapy.

AMENDATORY SECTION (Amending Order 103B, filed 12/21/90, effective 1/31/91)

WAC 246-915-270 Courts—Mandatory reporting. The board requests the assistance of all clerks of trial courts within the state to report all professional malpractice judgments and all convictions of licensed physical therapists, other than minor traffic violations.

AMENDATORY SECTION (Amending Order 103B, filed 12/21/90, effective 1/31/91)

WAC 246-915-280 State and federal agencies—Mandatory reporting. The board requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a physical therapist is employed to provide patient care services, to report to the board when the program has determined the physical therapist:

(1) Demonstrated incompetence or acted with negligence in the practice of physical therapy;

(2) Has engaged in unprofessional conduct under RCW 18.130.180; or

(3) Is mentally or physically unable to perform as a physical therapist. Whenever such a physical therapist has been judged to have demonstrated his/her incompetency or negligence in the practice of physical therapy, or has otherwise

committed unprofessional conduct; or is a mentally or physically disabled physical therapist.

WSR 04-08-101
PERMANENT RULES
DEPARTMENT OF HEALTH

(Board of Physical Therapy)

[Filed April 6, 2004, 2:42 p.m.]

Date of Adoption: February 27, 2004.

Purpose: These rules set the continuing competency requirements for licensed physical therapists. The proposed changes will create additional options for inactive therapists to maintain competence and clarify existing requirements. The legislature has mandated that the Board of Physical Therapy establish and administer requirements for continuing competency as a prerequisite for the renewal of a physical therapy license.

Citation of Existing Rules Affected by this Order: Amending WAC 246-915-085 Continuing competency.

Statutory Authority for Adoption: RCW 18.74.023(4).

Adopted under notice filed as WSR 04-03-104 on January 21, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0; Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

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

February 27, 2004

Sam Stockton, PT, Chair
Board of Physical Therapy

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-915-085 Continuing competency. Licensed physical therapists must provide evidence of continuing competency in the form of continuing education and employment related to physical therapy ~~((must be submitted))~~ every two years. ~~((Licensees born in even numbered years shall submit their continuing competency record form with license renewal every even numbered year. Licensees born in odd numbered years shall submit their continuing competency record form with license renewal every odd numbered year.))~~

(1) Education - Licensed physical therapists must complete 40 hours of continuing education every two years as required in chapter 246-12 WAC, Part 7.

(a) Continuing education specifically relating to the practice of physical therapy~~((:));~~

~~((+))~~ (b) Participation in a course with specific goals and objectives relating to the practice of physical therapy;

~~((ii) Cassette tape, video tape))~~ (c) Audio or video recordings or other multimedia devices, and/or book/article review. A maximum of ten hours may be used for books/articles reviewed;

~~((+))~~ (d) Correspondence ~~((coursework))~~ course work completed.

(2) ~~((Physical therapy employment—200 hours specifically relating to physical therapy:))~~ In addition to the requirements in subsection (1) of this section, 200 hours involving the application of physical therapy knowledge and skills, which may be obtained as follows:

(a) In the clinical practice of physical therapy; or

(b) In nonclinical activities that involve the direct application of physical therapy skills and knowledge, examples of which include, but are not limited to:

(i) Active service on boards or in physical therapy school or education program accrediting bodies;

(ii) Physical therapy teaching or presentations on:

(A) Patient/client management, prevention and wellness;

(B) Physical therapy ethics and standards of practice;

(C) Professional advocacy/involvement;

(iii) Developing course work in physical therapy schools or education programs or physical therapy continuing education courses;

(iv) Physical therapy research as a principal or associate researcher; and

(v) Physical therapy consulting.

(3) Licensees shall maintain records of all activities relating to continuing education and professional experience for a period of ~~((seven))~~ four years. Acceptable documentation shall mean:

(a) Continuing education. Certificates of completion, course sponsors, goals and objectives of the course, credentials of the presenter as a recognized authority on the subject presented, dates of attendance and total ~~((contact))~~ hours, for all continuing education being reported.

(b) ~~((Cassette tape, video tape))~~ Audio or video recordings or other multimedia devices, and/or book/article review. A two-page synopsis of each item reviewed must be written by the licensee.

(i) For audio or video recordings or other multimedia devices, a two-page double-spaced synopsis for every one to four hours of running time must be written by the licensee. Time spent writing a synopsis is not reportable.

(ii) For book/article review, a two-page double-spaced synopsis on each subject reviewed must be written by the licensee. Time spent writing a synopsis is not reportable.

(c) Correspondence ~~((coursework))~~ course work completed. Course description and/or syllabus and copies of the completed and scored examination must be kept on file by the licensee.

(d) Physical therapy employment. Certified copies of employment records or proof acceptable to the board of physical therapy employment for the hours being reported.

WSR 04-08-102
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Board of Physical Therapy)
 [Filed April 6, 2004, 2:43 p.m.]

Date of Adoption: February 27, 2004.

Purpose: This rule provides protection to the public from unethical physical therapists inappropriately using their position of a health provider to foster an unprofessional, sexual relationship. The Board of Physical Therapy is empowered to adopt rules relating to standards of appropriateness of physical therapy care. The Uniform Disciplinary Act of RCW 18.130.180 describes the proper conduct of a physical therapy provider. The proposed rule addresses issues of unprofessional sexual misconduct with current and former physical therapy clients.

Citation of Existing Rules Affected by this Order: Amending [new section] WAC 246-915-182 Sexual misconduct.

Statutory Authority for Adoption: RCW 18.74.023(3).

Other Authority: RCW 18.74.025, 18.130.050(1), and 18.130.180(24).

Adopted under notice filed as WSR 04-03-119 on January 21, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

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

February 27, 2004
 Sam Stockton, PT, Chair
 Board of Physical Therapy

NEW SECTION

WAC 246-915-182 Unprofessional conduct—Sexual misconduct. (1) The physical therapist shall never engage in sexual contact or sexual activity with current clients.

(2) Sexual contact or sexual activity is prohibited with a former client for two years after cessation or termination of professional services.

(3) The physical therapist shall never engage in sexual contact or sexual activity with former clients if such contact or activity involves the abuse of the physical therapist-client relationship. Factors which the board may consider in evaluating if the physical therapist-client relationship has been abusive includes, but is not limited to:

(a) The amount of time that has passed since therapy terminated;

(b) The nature and duration of the therapy;

(c) The circumstances of cessation or termination;

(d) The former client's personal history;

(e) The former client's current mental status;

(f) The likelihood of adverse impact on the former client and others; and

(g) Any statements or actions made by the therapist during the course of therapy suggesting or inviting the possibility of a post termination sexual or romantic relationship with the former client.

(4) The physical therapist shall never engage in sexually harassing or demeaning behavior with current or former clients.

(5) These rules do not prohibit:

(a) The provision of physical therapy services on an urgent, unforeseen basis where circumstances will not allow a physical therapist to obtain reassignment or make an appropriate referral;

(b) The provision of physical therapy services to a spouse, or family member, or any other person who is in a preexisting, established relationship with the physical therapist where no evidence of abuse of the physical therapist-client relationship exists.

WSR 04-08-103
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed April 6, 2004, 2:44 p.m.]

Date of Adoption: January 28, 2004.

Purpose: The Department of Health certifies and recertifies EMS personnel as part of the comprehensive, statewide emergency medical services and trauma system. These sections identify the standards for renewing a certification.

Citation of Existing Rules Affected by this Order: Amending WAC 246-976-161, 246-976-171, and 246-976-930.

Statutory Authority for Adoption: Chapters 18.71 and 18.73 RCW.

Adopted under notice filed as WSR 04-01-200 on December 24, 2003.

Changes Other than Editing from Proposed to Adopted Version: The following changes have been made, other than editing, from the proposed to the adopted version of the rule. These changes were based on written comments submitted to the Department of Health (DOH), Office of Emergency Medical Services and Trauma System, and on discussion at the public hearing. The changes were made to improve clarity within the rule:

- Topic content has been clarified for both the continuing medical education (CME) method and ongoing training and evaluation program (OTEP).
- Wording for both the CME method and the OTEP method has been added to clarify the requirement for cognitive, affective and psychomotor objectives to be in the topic content for both methods. In addition, requirements were clarified specifying evaluations over these same objectives based on the topic content.
- The intensive airway management training program must now be approved not only by the department, but also by the medical program director (MPD).
- Language has been added to clarify that nationally recognized training programs may be incorporated within OTEPs per the MPD's approval.
- Formatting changes have been made for ease of reading.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

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

April 5, 2004

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 00-08-102, filed 4/5/00, effective 5/6/00)

~~WAC 246-976-161 ((Continuing medical education (CME), skills maintenance, and ongoing training and evaluation (OTEP),) Education requirements for certification. ((1) General requirements. See Tables A and B. You must document your annual CME and skills maintenance requirements, as indicated in the tables. You must complete all CME and skills maintenance requirements for your current certification period to be eligible for recertification.~~

~~(2)(a) You must complete the number of MPD approved CME hours appropriate to your level of certification, as indicated in Table A.~~

~~(b) If you are a first responder or EMT, you may choose to complete an approved OTEP program instead of completing the required number of CME hours and taking the recertification exams.~~

~~(3) You must demonstrate proficiency in certain critical skills, indicated in Table B, to the satisfaction of the MPD:~~

~~(4) IV starts.~~

~~(a) During your first year of certification as an IV technician, combined IV/airway technician, ILS technician, or paramedic, you must perform a minimum of thirty-six successful IV starts. exception: If you have completed a certification period as an IV or ILS technician, you do not need to meet this requirement during your first year of certification as a paramedic.~~

~~(b) By the end of your initial certification period, you must perform a minimum of one hundred-eight successful IV starts:~~

~~(5) Intubations.~~

~~(a) During your first year of certification as an airway technician, combined IV/airway technician, combined ILS/airway technician or paramedic, you must perform a minimum of twelve successful endotracheal intubations. exception: If you have completed a certification period as an airway technician, you do not need to meet this requirement during your first year of certification as a paramedic.~~

~~(b) By the end of your initial certification period, you must perform a minimum of thirty-six successful endotracheal intubations:~~

~~(6) Description of selected terms used in the table:~~

TABLE A: CME REQUIREMENTS	Basic Life Support		Intermediate Life Support				Paramedic	
	FR	EMT	IV	Air	IV/Air	ILS	ILS/Air	Paramedic
Annual								
CPR & Airway	X	X	X	X	X	X	X	
Spinal Immobilization	X	X	X	X	X	X	X	
Patient Assessment	X	X	X	X	X	X	X	
Certification Period								
Infectious Disease	X	X	X	X	X	X	X	X
Trauma		X	X	X	X	X	X	X
Pharmacology		X	X	X	X	X	X	
Pediatrics	X	2-hrs	2-hrs	2-hrs	2-hrs	2-hrs	2-hrs	6-hrs
Other CME, for a total of:	15-hrs	30-hrs	45-hrs	45-hrs	60-hrs	60-hrs	75-hrs	150-hrs

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TABLE A: CME REQUIREMENTS	Basic Life Support		Intermediate Life Support				Paramedic	
	FR	EMT	IV	Air	IV/Air	ILS	ILS/Air	Paramedic
OR, complete an equivalent OTEP program as described in WAC 246-976-171	X	X	per-MPD for BLS skills	per-MPD for BLS skills	per-MPD for BLS skills	per-MPD for BLS skills	per-MPD for BLS skills	per-MPD for BLS skills

TABLE B: SKILLS MAINTENANCE REQUIREMENTS	Intermediate Life Support					Paramedic
	IV	Air	IV/Air	ILS	ILS/Air	Paramedic
First Certification Period						
• First Year of Certification						
IV Starts — may not be averaged (see par 4)	36		36	36	36	36
Endotracheal intubations — may not be averaged (see par 5)		12	12		12	12
Demonstrate intraosseous infusion proficiency	X		X	X	X	X
• Second and Third Years of Certification						
IV Starts — average (see par 4)	36		36	36	36	36
Endotracheal intubations — average (see par 5)		12	12		12	12
Demonstrate intraosseous infusion proficiency	X		X	X	X	X
• During the Certification Period						
Demonstrate pediatric airway proficiency		X	X		X	X
Multi-Lumen Airway				per-MPD	per-MPD	
Defibrillation				per-MPD	per-MPD	
Later Certification Periods						
• Annual Requirements						
IV Starts — demonstrate proficiency	X		X	X	X	X
Endotracheal intubations — average (see par 4)		4	4		4	4
Demonstrate intraosseous infusion proficiency	X		X	X	X	X
• During the Certification Period						
Demonstrate pediatric airway proficiency		X	X		X	X
Multi-Lumen Airway				per-MPD	per-MPD	
Defibrillation				per-MPD	per-MPD	

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• Infectious disease: Infectious disease training must meet the requirements of chapter 70.24 RCW.

• CPR includes the use of airway adjuncts appropriate to the level of certification.

• Pharmacology: Pharmacology specific to the medications approved by your MPD (not required for first responders).

• Pediatrics: This includes patient assessment, CPR and airway management, and spinal immobilization and packaging.

• "IV starts": Proficiency in intravenous catheterization performed on sick, injured, or preoperative adult and pediatric patients.

With written authorization of the MPD, IV starts may be performed on artificial training aids.

• Endotracheal intubation: Proficiency in endotracheal intubations, at least half of which must be performed on human subjects. With written authorization of the MPD, up to half of the intubations may be performed on artificial training aids.

• Intraosseous infusion: Proficiency in intraosseous line placement in pediatric patients.

• Proficiency: Ability to perform a skill properly, demonstrated to the satisfaction of the MPD.

• Pediatric airway: Proficiency in pediatric airway management.) (1) Education is required for the recertification of

all certified EMS personnel. This education may be obtained by completing the continuing medical education (CME) method, or through the ongoing training and evaluation program (OTEP) method, identified below.

(a) CME topic content:

(i) Must meet annual and certification period educational requirements identified in Table A of this section, utilizing:

(A) Cognitive, affective and psychomotor objectives found in curricula identified in WAC 246-976-021, for the level of certification being taught.

(B) Current national standards published for CPR, foreign body airway obstruction (FBAO), and automatic defibrillation.

(C) County medical program director (MPD) protocols, regional patient care procedures, and county operating procedures.

(D) Training updates in standards as identified by the department.

(ii) Must be approved by the MPD.

(iii) May incorporate nationally recognized training programs as part of CME for content identified in (a)(i)(A) of this subsection.

(b) To complete the CME method you must:

(i) Complete and document the educational requirements, indicated in Table A of this section, appropriate to your level of certification.

(ii) Complete and document the skills maintenance requirements, indicated in Table B of this section, appropriate to your level of certification.

(A) IV starts for IV technicians, combined IV/airway technicians, ILS technicians, combined ILS/airway technicians, or paramedics:

(I) During your first certification period, you must perform a minimum of one hundred eight successful IV starts.

• During the first year, you must perform a minimum of thirty-six successful IV starts.

• During the second and third year, you must perform a minimum of thirty-six successful IV starts per year, which may be averaged over the second and third years of the certification period.

(II) If you have completed a certification period, you must demonstrate proficiency in starting IVs to the satisfaction of the MPD (see later certification periods in Table B of this section).

(B) Endotracheal intubations for airway technicians, combined IV/airway technicians, combined ILS/airway technicians or paramedics:

(I) During your first certification period, you must perform a minimum of thirty-six successful endotracheal intubations.

• During the first year, you must perform a minimum of twelve successful endotracheal intubations of which four of the endotracheal intubations must be performed on humans.

• During the second and third year, you must perform a minimum of twelve endotracheal intubations per year, which may be averaged over the second and third years of the certification period. Four of these endotracheal intubations per year must be performed on humans.

(II) If you have completed a certification period, you must perform a minimum of four successful human endotra-

cheal intubations per year, which may be averaged over the three-year certification period (see later certification periods in Table B of this section).

(III) Upon approval of the MPD, individuals unable to complete the required endotracheal intubations during the certification period, may meet the endotracheal intubation requirements by completing a MPD and department-approved intensive airway management training program, utilizing cognitive, affective and psychomotor objectives covering all aspects of emergency airway management.

(iii) Successfully complete the Washington state written examination and practical skills examination as identified in WAC 246-976-171.

(c) Any applicant changing from the CME method to the OTEP method must meet all requirements of the OTEP method.

(d) Ongoing training and evaluation programs:

(i) Must meet annual and certification period educational requirements identified in Table A, utilizing:

(A) Cognitive, affective and psychomotor objectives found in curricula identified in WAC 246-976-021, for the level of certification being taught, in the following core content areas:

(I) Airway/ventilation (including intensive airway management training for personnel with advanced airway qualifications to determine competency).

(II) Cardiovascular.

(III) Medical emergencies/behavioral.

(IV) Trauma (including intensive IV therapy training for personnel with qualifications to determine competency).

(V) Obstetrics and pediatrics.

(VI) Operations.

(B) The current national standards published for CPR, foreign body airway obstruction (FBAO), and defibrillation and patient care appropriate to the level of certification.

(C) County medical program director (MPD) protocols, regional patient care procedures, and county operating procedures.

(D) Training updates in standards as identified by the department.

(ii) Must provide cognitive, affective and psychomotor evaluations following completion of each topic presentation to determine student competence of topic content.

Psychomotor skill evaluations must be recorded on skill evaluation forms from nationally recognized training programs, or on forms provided in approved curricula identified in WAC 246-976-021, for the level of certification being taught. If an evaluation form is not provided, a skill evaluation form must be developed and approved by the MPD to evaluate the skill.

(iii) Must be approved by the MPD; any additions or major changes to an approved OTEP require documented approval from the county MPD and the department.

(iv) Must be presented and evaluated by course personnel meeting the following qualifications:

(A) Evaluators must:

(I) Be a currently certified BLS or ALS provider who has completed at least one certification cycle. Certification must be at or above the level of certification being evaluated.

(II) Complete an MPD approved evaluator's workshop, specific to the level of certification being evaluated, and teach proficiency in utilizing skill evaluation forms identified in (d) (ii) of this subsection;

(III) Complete the evaluator application, DOH Form 530-012;

(IV) Be approved by the county MPD and the department.

(B) Instructors must:

(I) Be a currently certified BLS or ALS provider who has completed at least one certification cycle at or above the level of certification being taught.

(II) Be a currently approved evaluator at the level of certification being taught.

(III) Be approved by the county MPD to instruct and evaluate EMS topics.

(C) Guest lecturers, when utilized, must have specific knowledge and experience in the skills of the prehospital emergency care field for the topic being presented and be approved by the county MPD to instruct EMS topics.

(v) May incorporate nationally recognized training programs within an OTEP for the core content areas identified in (d)(i)(A) of this subsection.

(e) To complete the OTEP method you must:

(i) Complete a department- and MPD-approved OTEP that includes requirements indicated in Table A of this section, appropriate to your level of certification.

(ii) Complete and document the skills maintenance requirements, indicated in Table B of this section, appropriate to your level of certification.

(A) IV starts for IV technicians, combined IV/airway technicians, ILS technicians, combined ILS/airway technicians, or paramedics:

(I) During your first certification period, you must perform a minimum of thirty-six successful IV starts.

• During the first year, you must perform a minimum of twelve successful IV starts.

• During the second and third year, you must perform a minimum of twelve successful IV starts per year, which may be averaged over the second and third years of the certification period.

(II) If you have completed a certification period, you must demonstrate proficiency in starting IVs to the satisfaction of the MPD (see later certification periods in Table B of this section).

(B) Endotracheal intubations for airway technicians, combined IV/airway technicians, combined ILS/airway technicians or paramedics:

(I) During your first certification period, you must perform a minimum of twelve successful endotracheal intubations.

• During the first year, you must perform a minimum of four successful human endotracheal intubations.

• During the second and third year, you must perform a minimum of four human endotracheal intubations per year, which may be averaged over the second and third years of the certification period.

(II) If you have completed a certification period, you must perform a minimum of two successful human endotracheal intubations per year, which may be averaged over the three-year certification period (see later certification periods in Table B of this section).

(C) Skills maintenance requirements may be obtained as part of the OTEP.

(D) Individuals participating in an OTEP meet skill maintenance requirements by demonstrating proficiency in the application of those skills to the county MPD during the OTEP.

(f) Any applicant changing from the OTEP method to the CME method must meet all requirements of the CME method.

(g) Education requirements for recertification - Table A:

TABLE A: EDUCATION REQUIREMENTS FOR RECERTIFICATION	Basic Life Support		Intermediate Life Support (EMT-Intermediate Levels)					Paramedic (ALS)
	FR	EMT	IV	Air	IV/A ir	ILS	ILS/A ir	Paramedic
Annual Requirements								
CPR & Airway	X	X	X	X	X	X	X	
Spinal Immobilization	X	X	X	X	X	X	X	
Patient Assessment	X	X	X	X	X	X	X	
Certification Period Requirements								
Infectious Disease	X	X	X	X	X	X	X	X
Trauma		X	X	X	X	X	X	X
Pharmacology		X	X	X	X	X	X	
Other Pediatric Topics	X	X	X	X	X	X	X	X
*Additional education course hours totaling:	15 hrs	30 hrs	45 hrs	45 hrs	60 hrs	60 hrs	75 hrs	150 hrs

"X" indicates an individual must demonstrate knowledge and competency in the topic or skill.

*Individuals obtaining education through the CME method must complete the total number of educational course hours indicated above. However, due to the competency-based nature of OTEP, fewer class hours may be needed to complete these requirements than the total course hours indicated above.

(h) Skill maintenance requirements - Table B:

TABLE B: SKILLS MAINTENANCE REQUIREMENTS	Intermediate Life Support (EMT-Intermediate Levels)					Paramedic (ALS)
	IV	Air	IV/Air	ILS	ILS/Air	Paramedic
First Certification Period						
• First Year of Certification						
IV Starts						
<u>Continuing Education Method</u> may not be averaged	36		36	36	36	36
<u>OTEP Method</u>	12		12	12	12	12
Endotracheal intubations (4 must be performed on humans for each method)						
<u>Continuing Education Method</u> may not be averaged		12	12		12	12
<u>OTEP Method</u>		4	4		4	4
Intraosseous infusion placement	X		X	X	X	X
• Second and Third Years of Certification						
• Annual Requirements						
IV Starts*						
<u>Continuing Education Method</u>	36		36	36	36	36
<u>OTEP Method</u>	12		12	12	12	12
Endotracheal intubations* (4 per year must be performed on humans for each method)						
<u>Continuing Education Method</u>		12	12		12	12
<u>OTEP Method</u>		4	4		4	4
Intraosseous infusion placement	X		X	X	X	X
• During the Certification Period						
Pediatric airway management		X	X		X	X
Multi-lumen airway placement				X	X	
Defibrillation				X	X	
Later Certification Periods						
• Annual Requirements						
IV Starts	X		X	X	X	X
Endotracheal intubations (2 per year must be performed on humans for each method)						
<u>Continuing Education Method</u>		4	4		4	4
<u>OTEP Method</u>		2	2		2	2
Intraosseous infusion placement	X		X	X	X	X
• During the Certification Period						
Pediatric airway management		X	X		X	X
Multi-lumen airway placement				X	X	
Defibrillation				X	X	

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"X" indicates an individual must demonstrate proficiency of the skill to the satisfaction of the MPD.

*The second and third year requirements may be averaged over the two years.

(i) Skill maintenance requirements for individuals requesting reciprocal certification:

(i) Reciprocity candidates credentialed less than three years must meet Washington state's skill maintenance requirements for the initial certification period identified above.

(ii) Reciprocity candidates credentialed three years or more must meet Washington state's skill maintenance requirements for second and subsequent certification periods.

(iii) The county MPD may evaluate an individual's skills to determine if the individual is proficient in the application of those skills prior to recommending certification. The MPD may recommend an individual obtain specific training to become proficient in any skills deemed insufficient by the MPD or delegate.

(j) Description of selected terms used in Tables A and B:

(i) Class hours: Actual hours spent to become knowledgeable in a topic(s) or proficient in a skill(s).

(ii) Course hours: The predetermined time scheduled to conduct a course or topic.

(iii) CPR and airway management includes foreign body obstruction (FBAO) and the use of airway adjuncts appropriate to the level of certification, for adults, children and infants following national standards, assuring the following pediatric objectives are covered.

Pediatric objectives - The EMS provider must be able to:

(A) Identify and demonstrate airway management techniques for infants and children.

(B) Demonstrate infant and child CPR.

(C) Demonstrate FBAO technique for infants and children.

(iv) Endotracheal intubation: Proficiency includes the verification of proper tube placement and continued placement of the endotracheal tube in the trachea through procedures identified in county MPD protocols.

(v) Infectious disease: Infectious disease training must meet the requirements of chapter 70.24 RCW.

(vi) Intraosseous infusion: Proficiency in intraosseous line placement in pediatric patients.

(vii) IV starts: Proficiency in intravenous catheterization performed on sick, injured, or preoperative adult and pediatric patients. With written authorization of the MPD, IV starts may be performed on artificial training aids.

(viii) Multi-lumen airway placement: Proficiency includes the verification of tube placement and continued placement of the multi-lumen airway through procedures identified in county MPD protocols.

(ix) Other pediatric topics: This includes anatomy and physiology and medical problems including special needs patients appropriate to the level of certification, assuring the following pediatric objectives are covered.

(A) Anatomy and physiology - The EMS provider must be able to:

(I) Identify the anatomy and physiology and define the differences in children of all ages.

(II) Identify developmental differences between infants, toddlers, preschool, school age and adolescents, including special needs children.

(B) Medical problems including special needs patients - The EMS provider must be able to:

(I) Identify the differentiation between respiratory distress and respiratory failure.

(II) Identify the importance of early recognition and treatment of shock in the infant and child patient.

(III) Identify causes and treatments for seizures.

(IV) Identify life-threatening complications of meningitis and sepsis.

(V) Identify signs and symptoms of dehydration.

(VI) Identify signs and symptoms of hypoglycemia.

(VII) Identify how hypoglycemia may mimic hypoxemia.

(VIII) Identify special needs pediatric patients that are technologically dependent (tracheotomy tube, central line, GI or feeding tubes, ventilators, community specific needs).

(IX) Identify the signs and symptoms of suspected child abuse.

(X) Identify the signs and symptoms of anaphylaxis and treatment priorities.

(XD) Identify the importance of rapid transport of the sick infant and child patient.

(x) Patient assessment: This includes adult, pediatric and geriatric patients appropriate to the level of certification, assuring the following pediatric objectives are covered.

Pediatric objectives - The EMS provider must be able to:

(A) Identify and demonstrate basic assessment skills according to the child's age and development.

(B) Demonstrate the initial assessment skills needed to rapidly differentiate between the critically ill or injured and the stable infant and child patient.

(C) Identify and demonstrate the correct sequence of priorities to be used in managing the infant and child patient with life threatening injury or illness.

(D) Identify that the priorities for a severely injured and critically ill infant and child are:

• Airway management,

• Oxygenation,

• Early recognition and treatment of shock,

• Spinal immobilization,

• Psychological support.

(E) Demonstrate a complete focused assessment of an infant and a child.

(F) Demonstrate ongoing assessment of an infant and a child.

(G) Identify the differences between the injury patterns of an infant and a child compared to that of an adult.

(H) Identify the psychological dynamics between an infant and a child, parent or caregiver and EMS provider.

(xi) Pharmacology: Pharmacology specific to the medications approved by the MPD (not required for first responders).

(xii) Proficiency: Ability to demonstrate and perform all aspects of a skill properly to the satisfaction of the MPD or delegate.

(xiii) Spinal immobilization and packaging: This includes adult, pediatric and geriatric patients appropriate to

the level of certification, assuring the following pediatric objectives are covered.

Pediatric objectives - The EMS provider must be able to:

(A) Demonstrate the correct techniques for immobilizing the infant and child patient.

(B) Identify the importance of using the correct size of equipment for the infant and child patient.

(C) Demonstrate techniques for adapting adult equipment to effectively immobilize the infant and child patient.

(xiv) Trauma: For adult, pediatric and geriatric patients appropriate to the level of certification, assuring the following pediatric objectives are covered.

Pediatric objectives - The EMS provider must be able to:

(A) Identify the importance of early recognition and treatment of shock in the infant and child patient.

(B) Identify the importance of early recognition and treatment of the multiple trauma infant and child patient.

(C) Identify the importance of rapid transport of the injured infant and child patient.

AMENDATORY SECTION (Amending WSR 00-08-102, filed 4/5/00, effective 5/6/00)

WAC 246-976-171 To apply for recertification/renewal. ((1) The department will publish procedures for renewal of certification, including:

(a) An ongoing training and evaluation program (OTEP) of skills as authorized in RCW 18.73.081 (3)(b) for first responders and EMTs; and

(b) Examinations for renewal of certification.

If you are a first responder or an EMT, you may choose to complete an approved OTEP program instead of completing the required number of CME hours and taking the recertification exam.

(2) To apply for renewal of certification, submit to the department on approved forms:

(a) All the information identified in WAC 246-976-141(2); except current certification is considered proof of course completion, age, and initial infectious disease training;

(b) Proof of completion of CME and skills maintenance required for the level of certification sought, as defined in this chapter and identified on the table above. For first responders and EMTs, this includes proof of successful demonstration of skills, by:

(i) Successfully completing an approved OTEP; or

(ii) Passing an approved practical examination within the six months prior to application. An applicant changing from the ongoing training and evaluation program to the practical examination program must take the practical examination prior to the end of the certification period.) (1) To apply for recertification, the applicant must provide information that meets the requirements identified in WAC 246-976-141(2); EXCEPT current Washington state certification is considered proof of course completion, age, and initial infectious disease training.

(2) Proof of successful completion of education and skills maintenance, required for the level of certification, as defined in this chapter and identified in Tables A and B of WAC 246-976-161.

(3) Demonstrate knowledge and practical skills competency:

(a) For individuals participating in the OTEP method of education at the level of certification, successful completion of the OTEP fulfills the requirement of the DOH written and practical skills examinations.

(b) Individuals completing the CME method of education must provide proof of successful completion of the DOH written examination and practical skills examination for the level of certification.

(i) Basic life support (BLS) and intermediate life support (ILS) personnel must successfully complete the DOH approved practical skills examination for the level of certification.

(ii) Paramedics must successfully complete practical skills evaluations required by the MPD to determine ongoing competence.

AMENDATORY SECTION (Amending WSR 00-08-102, filed 4/5/00, effective 5/6/00)

WAC 246-976-930 General responsibilities of the department. In addition to the requirements described in chapters 18.71, 18.73, and 70.168 RCW, and elsewhere in this chapter:

(1) The department shall review, recommend changes to, and approve regional plans and regional patient care procedures based on the requirements of this chapter and recommendations from the steering committee, and upon consideration of the needs of patients.

(a) The department may approve regional plans which include standards that are consistent with chapter 70.168 RCW and other state and federal laws, but which exceed the requirements of this chapter.

(b) The department will develop a process for biennial update of regional and statewide planning. The process will include provisions to amend regional plans between biennial updates.

~~(2) ((The department will publish standards for minimum required knowledge and skill objectives for ongoing training and evaluation programs (OTEP) for first responders and EMTs, as authorized in RCW 18.73.081 (3)(b). The department will publish procedures to approve OTEPs.~~

~~(3))~~ (3) The department will publish prehospital trauma triage procedures for activation of the trauma system from the field. The procedures will include assessment of the patient's:

(a) Vital signs and level of consciousness;

(b) Anatomy of injury;

(c) Biomechanics of the injury; and

(d) Comorbid and associated risk factors.

~~((4))~~ (3) The department may approve pilot programs and projects which have:

(a) Stated objectives;

(b) A specified beginning and ending date;

(c) An identified way to measure the outcome;

(d) A review process;

(e) A work plan with a time line;

(f) If training of EMS((/TC)) personnel is involved, consistency with the requirements of WAC 246-976-021(5).

~~((5))~~ (4) The department will review at least every four years:

(a) Rules, policies, and standards for EMS(~~(/TC)~~), with the advice of the steering committee;

(b) Rules and standards for licensure of services and vehicles, and for certification of EMS(~~(/TC)~~) personnel, with the advice of the L&C committee(~~(/)~~).

WSR 04-08-116
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed April 6, 2004, 4:43 p.m.]

Date of Adoption: March 31, 2004.

Purpose: To add language that will require a hearing process on proposed category changes and to make other minor technical corrections.

Citation of Existing Rules Affected by this Order: Repealing 3 [WAC 392-142-115, 392-142-130 and 392-142-135]; and amending 2 [WAC 392-142-165 and 392-142-205].

Statutory Authority for Adoption: RCW 28A.150.290.

Adopted under notice filed as WSR 04-05-054 on February 13, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, Repealed 3; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

April 5, 2004

Dr. Terry Bergeson
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending WSR 03-13-049, filed 6/12/03, effective 7/13/03)

WAC 392-142-165 Definition—State-determined purchase price. As used in this chapter, "state-determined purchase price" means the state replacement or depreciation rate for school buses which shall be based upon the lowest competitive price quote received from school bus dealers for each category of school bus, documented in modified vendor bid proposals associated with meeting state-supported competitive specifications.

Included in the lowest competitive price quote are:

(1) Freight to the school district; and

(2) Cost associated with full payment within thirty days of delivery.

Sales tax is not included as a part of establishing the lowest price quote. Sales tax shall be included in the state-determined purchase price at the highest rate that could be charged to any school district in the state when purchasing a school bus as provided annually by the department of revenue.

AMENDATORY SECTION (Amending WSR 95-17-011, filed 8/4/95, effective 9/4/95)

WAC 392-142-205 Determination of school bus categories by the superintendent of public instruction. The superintendent of public instruction, in consultation with the regional transportation coordinators of the educational service districts, shall annually establish a minimum number of school bus categories considering student capacity and type. The superintendent of public instruction will provide a public hearing for interested parties prior to the adoption of any change in school bus categories.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-142-115 Definition—Specialized equipment.
- WAC 392-142-130 Definition—Gasoline engine.
- WAC 392-142-135 Definition—Diesel engine.

WSR 04-08-117
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed April 6, 2004, 4:45 p.m.]

Date of Adoption: March 31, 2004.

Purpose: Revisions will require all Washington state public school buses to meet all federal motor vehicle safety standards applicable to school buses effective April 1, 1977. The effective date will be December 31, 2004. Technical corrections have been made deleting items that will be referenced in the specifications manual. Also a clear definition regarding the use of nonconforming vans has been added.

Citation of Existing Rules Affected by this Order: Repealing 2 [WAC 392-143-061 and 392-143-065]; and amending 8 [WAC 392-143-010, 392-143-015, 392-143-030, 392-143-031, 392-143-032, 392-143-050, 392-143-070, and 392-143-080].

Statutory Authority for Adoption: RCW 46.61.380.

Adopted under notice filed as WSR 04-05-055 on February 13, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

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Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 8, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 8, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 8, Repealed 2; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

April 5, 2004

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 01-17-006, filed 8/1/01, effective 9/1/01)

WAC 392-143-010 Definitions. ((As used in this chapter and subject to the "school bus specifications," as now or hereafter established by the superintendent of public instruction, the term:)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "School bus" ((shall)) means every vehicle with a seating capacity of more than ten persons including the driver regularly used to transport students to and from school or in connection with school activities.

(2) ((A Type "A" school bus shall mean a conversion or body constructed upon a van type or cutaway front section vehicle with a left side driver's door designed for carrying more than ten persons. This definition shall include: Type A-1, with a gross vehicle weight rating of 10,000 pounds and under; and Type A-2 with a gross vehicle weight rating over 10,000 pounds.

(3) A Type "B" school bus shall mean a conversion or body constructed and installed upon a van or front section vehicle chassis, or stripped chassis, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. Part of the engine is beneath and/or behind the windshield and beside the driver's seat, and the entrance door is behind the front wheels.

(4) A Type "C" school bus shall mean a body installed upon a flat back cowl chassis with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. All of the engine is in front of the windshield and the entrance door is behind the front wheels. A Type "C" school bus shall also mean a body installed on a stripped chassis with a vehicle weight rating of more than 10,000 pounds, designed for carrying 35/36 passengers or more, and where part of the engine is beneath and/or behind the windshield and beside the driver's seat and the entrance door is behind the front wheels.

(5) A Type "D" school bus shall mean a body installed upon a chassis, with the engine mounted in the front, midship, or rear, with a gross vehicle weight rating of more than

10,000 pounds, designed for carrying more than ten persons. The engine may be behind the windshield and beside the driver's seat, at the rear of the bus behind the rear wheels, or midship between the front and rear axles. The entrance door is ahead of the front wheels.

(6) A school bus designed to transport students with special needs shall mean any Type A, B, C, or D school bus as defined in this section which has been modified to transport students with special needs:)) "School bus specifications manual" means that manual published and distributed to each school district by the superintendent of public instruction.

(3) "School bus operation permit" means that form issued by the superintendent of public instruction to an individual school district or educational service district, which is required prior to the use of any school bus for the transportation of any common school students.

(4) "Inspection officer" means an employee of the Washington state patrol trained and designated by the chief of the Washington state patrol to inspect school buses.

(5) "SPI Form 1028" means that form prepared and distributed by the superintendent of public instruction upon which the inspection officer indicates that the school bus has been inspected and approved, for used buses previously inspected by the Washington state patrol.

(6) "SPI Form 1029" means that form prepared and distributed by the superintendent of public instruction upon which the inspection officer indicates that the school bus has been inspected and approved upon initial purchase, used buses not previously inspected by the Washington state patrol, and buses which have been repowered or which have undergone rehabilitation or modification repair.

AMENDATORY SECTION (Amending Order 84-39, filed 10/2/84)

WAC 392-143-015 School bus specifications manual. The ((superintendent of public instruction shall publish and distribute to each school district a school bus specification manual which shall be referred to as School Bus Specifications. Such)) school bus specifications manual shall incorporate all specifications required by the federal department of transportation motor vehicle safety standards and govern the specifications for all school buses. ((Such)) The manual is hereby incorporated into this chapter by reference. Prior to any revision of the school bus specification manual, the superintendent of public instruction shall serve notice to interested parties and shall hold at least one public hearing.

AMENDATORY SECTION (Amending Order 22, filed 11/19/91, effective 11/19/91)

WAC 392-143-030 School buses—Permit and license. ((All school buses, as a condition for use to transport students, shall have a school bus operation permit issued in accordance with WAC 392-143-032.)) If ((the)) a school bus is approved in compliance with WAC 392-143-031 and the school district has met requirements of WAC 392-143-032, the superintendent of public instruction shall send three copies of the school bus operation permit to the appropriate school district. The original shall be retained by the school district; one copy shall be placed in the permit holder in the

school bus; and one copy shall be presented to the county auditor, along with the operator's application for an exempt state license for the bus if applicable. County auditors shall not issue an exempt license for the bus unless a school bus operation permit accompanies the application for a license.

AMENDATORY SECTION (Amending Order 22, filed 11/19/91, effective 11/19/91)

WAC 392-143-031 School bus inspection—School bus operation permit. All school buses must be inspected and approved by a Washington state patrol inspection officer prior to initial issue or reissue of a school bus operation permit. ~~((This inspection must be recorded by the inspecting officer on SPI Form 1029, Initial School Bus Inspection, for new buses, used buses not previously inspected by the Washington state patrol, and buses which have been repowered or which have undergone rehabilitation or modification repair, or recorded by the inspecting officer on SPI Form 1028, Routine School Bus Inspection, for used buses previously inspected by the Washington state patrol.))~~ Effective December 31, 2004, no school bus operation permit shall be valid for any school bus which does not meet Federal Motor Vehicle Safety Standards adopted April 1, 1977.

AMENDATORY SECTION (Amending Order 22, filed 11/19/91, effective 11/19/91)

WAC 392-143-032 School bus operation permit. The superintendent of public instruction shall issue school bus operation permits as follows:

(1) ~~((A school bus operation permit))~~ School buses owned or operated by a public school shall be issued a school bus operation permit on receipt of the following properly executed documents for each new school bus or used school bus not previously ((licensed)) issued a school bus operation permit in Washington state:

(a) Original SPI Form 1020, School Bus Acquisition/Disposition Report;

(b) Copy of the sellers invoice or bill of sale;

(c) Copy of complete set of the successful vendor's bid specifications;

(d) Copy of each warrant issued in full payment of the bus or each warrant issued in part payment of the bus, if any, and, copy of the conditional sales contract, lease purchase agreement, or other evidence of contractual liability;

(e) Original weight slip for the vehicle; and

(f) Original SPI Form 1029, Initial School Bus Inspection.

(2) School buses owned by a private contractor and operated under contract to a public school shall be issued a school bus operation permit on receipt of the following properly executed documents for each new school bus or used school bus not previously issued a school bus operation permit in Washington state:

(a) Original SPI Form 1020A, School Bus Acquisition Report;

(b) Original weight slip for the vehicle; and

(c) Original SPI Form 1029, Initial School Bus Inspection.

(3) A school bus operation permit shall be reissued on receipt of the following properly executed documents for school buses previously licensed in Washington state: Provided, That no school bus operation permit shall be reissued to any school bus which does not meet Federal Motor Vehicle Safety Standards adopted April 1, 1977:

(a) Original SPI Form 1020A, School Bus Acquisition(~~/Disposition~~) Report, from the school district acquiring the school bus;

(b) Original SPI Form 1020B, School Bus (~~Acquisition~~) Disposition Report, from the school district disposing of the school bus, with existing school bus operating permit attached;

(c) Copy of SPI Form 1028, Routine School Bus Inspection, properly authenticated as the inspection report from the most recent annual one hundred percent fleet inspection, which inspection was made within twelve months prior to the date of acquisition;

(d) For school district owned or operated buses, a seller invoice or bill of sale; and

(e) A copy of the warrant issued in payment of the purchase of the bus.

AMENDATORY SECTION (Amending Order 84-39, filed 10/2/84)

WAC 392-143-050 Resold school buses. A school district which sells a school bus to anyone other than another school district shall be responsible for removing the school district's name and number and all lettering and markings identifying the vehicle as a school bus prior to its delivery to the purchaser. However, if the district sells the school bus to a private party who certifies in writing that the school bus shall be used as a private carrier bus, the district need not remove the ~~((emergency lights))~~ four or eight light warning system and stop signal ((paddle)) arm.

AMENDATORY SECTION (Amending Order 84-39, filed 10/2/84)

WAC 392-143-070 Other vehicles used to transport students. All vehicles with a seating capacity including the driver of ten persons or less shall not be required to meet school bus specifications. Such vehicles regularly used to transport students to and from school or in connection with school activities shall carry the approved school bus first-aid kit, fire extinguisher, and highway warning kit. These vehicles also shall pass a safety inspection routinely conducted at the intervals outlined in WAC 392-143-035.

Students, while being transported in any vehicle not required to meet school bus specifications but used for to and from school transportation and to and from school activities transportation, shall share the same compartment and shall be provided the same general safety and comfort as the driver.

All vehicles used to transport students with a manufacturer rated seating capacity including the driver greater than ten persons shall be required to meet school bus specifications.

AMENDATORY SECTION (Amending WSR 02-20-031, filed 9/23/02, effective 10/24/02)

WAC 392-143-080 Signs and markings for school buses—Exterior—Interior. Signs and markings on the exterior of any school bus shall be limited to the requirements of RCW 46.61.380, the ~~((Washington state minimum))~~ requirements of the school bus specifications manual for school buses addressing "identification" and "color," the minimum requirements of "Highway Safety Program Standard No. 17," and any applicable Federal Motor Vehicle Safety Standard (FMVSS). ~~((In addition, the district name may be placed on the front and/or back of the bus below the window line in letters no larger than three inches in height and equipment identification numbers may be placed on the front and/or rear of school bus and/or on or near one or more of the four corners of the bus.))~~

Signs and markings on the interior of any bus shall be limited to necessary and/or required manufacturers' equipment and/or component identification and instruction, and the requirements of the ((Washington state minimum)) school bus specifications manual ((for school buses addressing "emergency equipment cabinet" and "permit holder" and FMVSS 217 addressing "emergency exit identification." In addition, WAC rules and/or district policy addressing student conduct and safety related issues may be displayed in the driver's compartment in an area which will not obstruct the driver's view)).

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-143-061 School bus hazard warning lamps and stop lamps.
- WAC 392-143-065 School bus tires.

WSR 04-08-118
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed April 6, 2004, 4:47 p.m.]

Date of Adoption: March 11, 2004.

Purpose: The purpose is to reflect legislative changes and policy changes by the Special Education State Oversight Committee for 2003-04 school year regarding special education safety net procedure for school districts and educational service districts. Legislative changes require adaptation of Worksheet A for districts participating in pilot program according to provisions of RCW 28A.630.015(4) and change in state oversight committee membership. Policy changes remove provision for supplemental safety net funding and make minor language clarifications.

Citation of Existing Rules Affected by this Order: Amending WAC 392-140-600, 392-140-605, 392-140-608, 392-140-609, 392-140-626, 392-140-630, 392-140-640, 392-140-643, 392-140-646, and 392-140-653.

Statutory Authority for Adoption: RCW 28A.150.290.
 Other Authority: Section 507(7), chapter 309, Laws of 1999.

Adopted under notice filed as WSR 04-04-005 on February 22, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 7, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

April 2, 2004

Dr. Terry Bergeson
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending WSR 03-02-053, filed 12/26/02, effective 1/26/03)

WAC 392-140-600 Special education safety net—Applicable provisions. The provisions of WAC 392-140-600 through 392-140-685 apply to the determination of safety net allocations of Individuals with Disabilities Education Act (IDEA) federal funds for the ~~((2002-03))~~ 2003-04 school year and thereafter.

AMENDATORY SECTION (Amending WSR 03-02-053, filed 12/26/02, effective 1/26/03)

WAC 392-140-605 Special education safety net—Application type, certification, worksheets. Application for safety net funding shall be made on Form SPI 1381 - Certification published by the superintendent of public instruction as follows:

(1) School districts may make application for safety net funding for high-cost individual student(s). The school district making application for safety net funding shall certify that:

(a) The district recognizes that differences in costs attributable to district philosophy, service delivery choice, or accounting practice are not a legitimate basis for safety net awards.

(b) The application complies with the respective safety net application standards of WAC 392-140-616;

(c) The application provides true and complete information to the best of the school district's knowledge;

(d) The district understands that safety net funding is not an entitlement, is subject to adjustment and recovery, may not be available in future years, must be expended in program

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24, and federal Medicaid has been billed for all services to eligible students;

(e) The district is making reasonable effort to provide appropriate services for students in need of special education using state funding generated by the basic education apportionment and special education funding formulas and federal funding;

(f) The district's special education services are operated in a reasonably efficient manner;

(g) Indirect costs included for purposes of determining safety net allocations do not exceed the allowable percent for federal special education program plus one percent;

(h) Any available state and federal funding is insufficient to address the additional needs;

(i) The costs of any supplemental contracts are not included for purposes of determining safety net awards. Supplemental contracts are those contracts made pursuant to RCW 28A.400.200(4) excluding extended school year contracts (ESY) required by an IEP; and

(j) The costs of any summer school instruction are not included for purposes of making safety net determinations excluding extended school year contracts (ESY) required by an IEP.

(2) Worksheet A shall be included with the application and must demonstrate the need for safety net funding. Worksheet A is used to determine a maximum amount of eligibility for a school district. Award amounts may be less than the maximum amount of eligibility determined on Worksheet A. School districts are encouraged and may be required to submit additional information designed to assist the state oversight committee in analyzing the application.

(3) All high-cost individual student applications shall include worksheets "A" and "C" and summary published in the safety net application, and certification of standards and criteria pursuant to WAC 392-140-616.

~~(((4) At the final meeting of the year, the state oversight committee may consider supplemental safety net funding needs of applicant districts that have exhausted their pool of high-cost individual students. This supplemental funding is limited to the remaining safety net funding available pursuant to WAC 392-140-660.~~

~~Districts making application for supplemental safety net funds shall convincingly demonstrate to the committee that their request for supplemental funding is not due to district philosophy, service delivery choice, or accounting practice.))~~

AMENDATORY SECTION (Amending Order 96-15, filed 9/18/96, effective 10/19/96)

WAC 392-140-608 Special education safety net—Safety net application—Timing. Safety net applications shall be submitted and reviewed pursuant to the dates published by the superintendent of public instruction. Late applications will not be accepted and no applications for the school year will be accepted after the final application due date.

AMENDATORY SECTION (Amending WSR 03-02-053, filed 12/26/02, effective 1/26/03)

WAC 392-140-609 Special education safety net—Standards and criteria—Appropriate and properly and efficiently prepared and formulated IEPs. Individualized education programs (IEPs) which are appropriate, properly and efficiently prepared and formulated are those IEPs that meet all of the following criteria:

(1) The IEPs comply with federal and state procedural requirements.

(2) The delivery of specially designed instruction identified on the IEP complies with state standards (regularly scheduled teaching or training activities provided or designed by special education qualified staff).

(3) The provision of special education services conforms with areas of need identified in the student's evaluation and/or reevaluation made pursuant to chapter 392-172 WAC.

~~(((4) The state oversight committee determines:~~

~~(a) There are no unresolved state audit examination issues related to special education which are material in nature;~~

~~(b) There are no unresolved state child count verification issues which are material in nature; and~~

~~(c) All corrections to state enrollment reporting, required for resolution of (a) and (b) of this subsection, are completed.))~~

AMENDATORY SECTION (Amending WSR 03-02-053, filed 12/26/02, effective 1/26/03)

WAC 392-140-626 Special education safety net—Worksheet A—Demonstration of need. Applications for high-cost individual students shall demonstrate district financial need as follows:

(1) Application worksheet "A" shall demonstrate a fiscal need in excess of:

(a) Any previous safety net awards for the current school year; and

(b) All other available revenue for special education, including all carryover of state and federal special education revenue.

(2) Awards shall not exceed the amount of need demonstrated on the worksheet "A."

(3) Worksheets submitted with safety net applications are to reflect the state adopted excess cost method of accounting, consistently applied for both years presented.

(4) The safety net oversight committee may revise the district's worksheet "A" submitted for errors or omissions or more current information.

(5) The school district shall provide clarifying information as requested by the state oversight committee.

(6) After the close of the school year, the safety net oversight committee may review the worksheet "A" used to determine need for a district's award against the actual final school year enrollments, revenues, and expenditures reported by the district. Based upon the results of this review:

(a) The safety net allocation for the school year may be adjusted or recovered; or

(b) If the committee finds that a portion of the safety net allocation was not needed to balance revenues and expendi-

tures, the committee may consider that portion of the allocation available to meet the needs of the ensuing school year.

(7) The state safety net oversight committee shall adapt the worksheet "A" - Demonstration of Need as appropriate for applications prepared by districts participating in the pilot program according to the provisions of RCW 28A.630.015 (4).

(8) In accordance with the state of Washington *Accounting Manual for Public School Districts* and proposed federal language, demonstrated need shall not include legal fees, court costs, or other costs associated with a cause of action brought on behalf of a child to ensure a free appropriated public education.

AMENDATORY SECTION (Amending WSR 02-05-036, filed 2/12/02, effective 2/13/02)

WAC 392-140-630 Special education safety net—Special education program audit team—Purpose, procedures. ~~((The))~~ Special education program audits ~~((team consists of))~~ by staff of the state auditor's office ~~((funded in the Biennial Operating Appropriations Act))~~ may be requested to assist the special education safety net committee ~~((when requested))~~. When reviewing a school district's special education program, the ~~((audit team shall))~~ auditors may review and verify any certifications and supporting information provided by the district in a safety net application. The ~~((audit team shall))~~ auditors may provide the results of the review to the state oversight committee. The results of the ~~((audit team's review shall))~~ auditor's review may be considered by the oversight committee in determining, adjusting, or recovering safety net awards.

AMENDATORY SECTION (Amending Order 98-05, filed 3/18/98, effective 4/18/98)

WAC 392-140-640 Special education safety net—State oversight committee—Membership, structure. Membership of the state oversight committee shall consist of: Staff of the office of superintendent of public instruction, staff of the office of state auditor, ~~((staff of the office of financial management,))~~ one or more representatives from a school district(s), and one or more representatives from an educational service district.

(1) The state oversight committee members will be appointed by the office of superintendent of public instruction.

(2) The state director of special education shall serve as an ex officio, nonvoting committee member and act as the state oversight committee manager.

(3) Members of the state oversight committee from school districts and/or educational service districts will be appointed based on their knowledge of special education program service delivery and funding, geographical representation, size of district(s) served, and other demographic considerations which will guarantee a representative state committee.

(4) Alternate members shall be appointed. In the event a member is unable to attend a committee meeting, an alternate member shall attend.

(5) Membership appointments shall be made for a period of one year. The oversight committee manager may replace a portion of the committee each year in order to enhance representation.

AMENDATORY SECTION (Amending WSR 03-02-053, filed 12/26/02, effective 1/26/03)

WAC 392-140-643 Special education safety net—Definition—State oversight committee—Procedures. (1) The state oversight committee will review applications as deemed necessary by the superintendent of public instruction pursuant to WAC 392-140-608.

(2) All applications received by the state oversight committee will be reviewed for completeness by the state oversight committee manager or designee. Applications must include all necessary forms, worksheets, and attachments described in the instruction bulletin published by the superintendent of public instruction. If applications are not complete, they will ~~((be returned to the submitting school district))~~ not be considered by the committee.

(3) The state oversight committee manager will forward to the committee members copies of the applications in a timely manner.

(4) The state oversight committee manager will be responsible for presenting each application for consideration to the committee.

(5) Committee members shall question and discuss the application content for completeness, accuracy, and understanding of the reason(s) for the applicant's need for safety net funding.

(6) The committee may request that a submitting school district provide clarifying information.

(7) Committee members will individually indicate their agreement or disagreement with the action of the committee pursuant to WAC 392-140-646.

(8) A majority vote by the committee members will be sufficient to determine the committee action.

(9) The state oversight committee manager will ensure that notes are taken which summarize the questions and discussion related to each application. A decision summary for each application shall include the amount of the initial request, funding adjustments recommended by the committee, the amount of any award to be made, and the reasons for and against the action taken by the committee.

(10) Committee members shall each sign the decision summary.

(11) The state oversight committee manager, on behalf of the committee, will notify the applicant school district in writing of the determination of the committee. The school district will be provided a copy of the decision summary.

(12) All applications received by the state oversight committee will be retained by the superintendent of public instruction for use in the evaluation of the safety net funding process and to provide the superintendent of public instruction with information with which to make future decisions regarding the safety net process.

AMENDATORY SECTION (Amending Order 96-15, filed 9/18/96, effective 10/19/96)

WAC 392-140-646 Special education safety net— State oversight committee actions. The state oversight committee shall take the following actions:

- (1) After the state oversight committee determines:
 - (a) There are no unresolved audit examination issues related to special education that are material in nature;
 - (b) There are no unresolved state child count verification issues which are material in nature; and
 - (c) All corrections to state enrollment reporting, required for resolution of (a) and (b) of this subsection, are completed.
- (2) An application reviewed during an application cycle may be:
 - (a) Approved;
 - (b) Disapproved; or
 - (c) Returned to the submitting school district, for possible resubmission at a later date during the school year, because information contained in the application is insufficient to establish a need for safety net funding.
- ((2)) (3) The amount approved shall be equal to or less than the amount for which application was made.
- ((3)) (4) The approval may be contingent on additional requirements imposed by the committee such as development of an action plan to resolve a specified problem prior to submission of any future safety net application to assure school district compliance with the criteria and standards set forth in these safety net regulations.
- ((4)) (5) The approvals are subject to adjustment and recovery pursuant to WAC 392-140-675 through 392-140-685.

AMENDATORY SECTION (Amending Order 96-15, filed 9/18/96, effective 10/19/96)

WAC 392-140-653 Special education safety net— Reapplication. If the applicant school district withdrew an application, or ~~((had))~~ submitted an incomplete application ~~((returned))~~, or is dissatisfied with the results of the state oversight committee's decision with regard to its application, the applicant may reapply for safety net funding in a later application cycle for the school year. All applications for each meeting must include all updated worksheets and attachments described in the bulletin published by the superintendent of public instruction and meet the timing requirements of WAC 392-140-608.

WSR 04-08-125
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed April 7, 2004, 9:10 a.m.]

Date of Adoption: April 2, 2004.

Purpose: This new WAC 388-505-0211 implements the premium requirement for Medicaid children. The rule includes SCHIP children and increases the current premium

amount for children eligible under the state health insurance program coverage.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: RCW 74.09.055, ESHB 2459 (2004 regular session, the 2003-05 supplemental operating budget).

Adopted under notice filed as WSR 03-21-152 on October 22, 2003.

Changes Other than Editing from Proposed to Adopted Version: The following changes were made at the direction of the 2004 legislature in ESHB 2459, the 2003-05 supplemental operating budget bill.

1. The revised subsection language in WAC 388-505-0211 allows exemption from the premium for:

(6)(c) A child whose assistance unit's net available income is equal to or less than 150% FPL. An optional child exempted from the premium requirement under this subsection is treated as if the child is a mandatory child.

2. The revised subsection language in WAC 388-505-0211 reduces the proposed premium amounts from:

(9)(a) Fifteen to zero dollars per month when the assistance unit's net available income is above one hundred percent FPL and equal to or less than one hundred fifty percent FPL.

(9)(b) Twenty to ten dollars per month when the assistance unit's net available income is above one hundred fifty percent FPL and equal to or less than two hundred percent FPL.

(10) The premium amount for each SCHIP child is fifteen (instead of twenty-five) dollars.

(11) The maximum premium amount for a family is reduced from seventy-five to forty-five dollars per month.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

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

April 2, 2004

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

NEW SECTION

WAC 388-505-0211 Premium requirements for Medicaid and SCHIP children. (1) For the purposes of this chapter:

(a) **"Mandatory children"** means all states are required by federal rule to provide Medicaid coverage for these children; and

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(b) **"Optional children"** means the state of Washington chose to provide Medicaid coverage to children that are not included in the mandatory population.

(c) **"Premium"** means an amount paid for medical coverage.

(2) Optional children include:

(a) A child under the age of one year, whose assistance unit's net available income exceeds one hundred eighty-five percent FPL as described in WAC 388-478-0075;

(b) A child over age one but who has not yet attained age six whose assistance unit's net available income exceeds one hundred thirty-three percent FPL as described in WAC 388-478-0075; and

(c) A child over age six whose assistance unit's net available income exceeds one hundred percent FPL as described in WAC 388-478-0075.

(3) For optional children found eligible for Medicaid coverage under WAC 388-505-0210(2), payment of a premium is required as a condition of eligibility. See subsection (6) of this section for exemptions for optional children.

(4) A child found eligible for Medicaid coverage under WAC 388-505-0210(2) that does not meet the conditions of subsection (2) of this section is a mandatory recipient of Medicaid and is not subject to the premium requirement.

(5) For a child found eligible for the state children's health insurance program (SCHIP) under WAC 388-505-0210(3), payment of a premium is required as a condition of eligibility.

(6) An optional child is exempt from the premium requirement if the child meets one of the following:

(a) The child is pregnant;

(b) The child is an American Indian or Alaska native;

(c) A child whose assistance unit's net available income is equal to or less than one hundred fifty percent FPL. An optional child exempted from the premium requirement under this subsection is treated as if the child is a mandatory child.

(7) The premium requirement begins the first of the month following the determination of eligibility. There is no premium requirement for medical coverage received in a month or months before the determination of eligibility.

(8) The premium amount for the assistance unit is based on the net available income as described in WAC 388-450-0005. If the household includes more than one assistance unit, the premium amount billed for the assistance units may be different amounts.

(9) The premium amount for each optional Medicaid child is:

(a) Zero dollars per month when the assistance unit's net available income is above one hundred percent FPL and equal to or less than one hundred fifty percent FPL; or

(b) Ten dollars per month when the assistance unit's net available income is above one hundred fifty percent FPL and equal to or less than two hundred percent FPL.

(10) The premium amount for each SCHIP child is fifteen dollars per month.

(11) The department bills the family for the lesser of:

(a) A maximum of forty-five dollars per month; or

(b) The total of the highest premiums, for up to three children in the assistance unit.

(12) Premium payment is a condition of eligibility for assistance units that include optional children. All optional children in an assistance unit are ineligible for medical coverage when the head of household's premium payments are three months in arrears. Three months in arrears means a balance exists for three months.

(13) When the department terminates the medical coverage of an optional child due to nonpayment of premiums, the child has a three-month period of ineligibility beginning the first of the following month. The three month period of ineligibility is rescinded only when the:

(a) Past due premiums are paid in full prior to the begin date of the period of ineligibility; or

(b) Optional child has a change in circumstances such that the child becomes a mandatory child. The department cannot rescind the three-month period of ineligibility for reasons other than the criteria described in subsection (13) of this section.

(14) The department writes off past-due premiums after twelve months.

(15) When the designated three-month period of ineligibility is over, all past due premiums that are an obligation of the head of household must be paid or written off before an optional child can become eligible for medical coverage.

(16) A family cannot designate partial payment of the billed premium amount as payment for a specific child in the assistance unit. The full amount of the premium bill is the obligation of the head of household of the assistance unit. A family can decide to request medical coverage only for certain children in the assistance unit, if they want to reduce premium obligation.

(17) A change that affects the premium amount is effective the month after the change is reported and processed.

(18) A sponsor or other third party may pay the premium on behalf of the child or children in the assistance unit. The premium payment requirement remains the obligation of head of household of the assistance unit. The failure of a sponsor or other third party to pay the premium does not eliminate the:

(a) Establishment of the period of ineligibility described in subsection (13) of this section; or

(b) Obligation of the head of household to pay past-due premiums.

WSR 04-08-134

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed April 7, 2004, 11:59 a.m., effective May 28, 2004]

Date of Adoption: April 7, 2004.

Purpose: This new filing extends the effective date for the permanent rules filed as WSR 04-08-021 on March 29, 2004. The permanent rule will become effective on May 28, 2004.

The intent of this filing is to clarify existing rules and create new rules concerning eligibility for Working Connec-

tions Child Care (WCCC). We intend for WCCC consumers to better understand the eligibility process. See below for amended and new rules adopted.

The permanent rule will replace two emergency rule filings. Emergency filings WSR 03-06-045, 03-14-061, 03-22-005 and 04-05-079, repealing WAC 388-290-0210 and amending WAC 388-290-0075, 388-290-0085, and 388-290-0190 have been in effect since March 1, 2003. Emergency filings WSR 03-12-026, 03-20-050 and 04-04-030, amending WAC 388-290-0130 have been in effect since June 2, 2003.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-290-0080 and 388-290-0210; amending WAC 388-290-0001 What is the purpose of the working connections child care program?, 388-290-0005 Who is considered a consumer for the WCCC program?, 388-290-0010 What makes me eligible for WCCC benefits?, WAC 388-290-0015 How does the WCCC program determine my family size for eligibility?, 388-290-0020 Are there special circumstances that might affect my WCCC eligibility?, 388-290-0025 What rights do I have when I apply for or receive WCCC benefits?, 388-290-0030 What responsibilities do I have when I apply for or receive WCCC benefits?, 388-290-0035 What responsibilities does the WCCC program staff have?, 388-290-0040 If I receive a temporary assistance for needy families (TANF) grant, what activities must I be involved in to be eligible for WCCC benefits?, 388-290-0045 If I don't get a temporary assistance for needy families (TANF) grant, what activities must I be involved in to be eligible for WCCC benefits?, 388-290-0050 If I am self-employed, can I get WCCC benefits?, 388-290-0055 If I am not working or in an approved activity right now, can I get WCCC benefits?, 388-290-0060 What income (~~is counted~~) does the WCCC program count when determining (~~WCCC~~) eligibility and copayments?, 388-290-0065 How does the WCCC program define and use my income?, 388-290-0070 What income types and deductions (~~are not counted~~) does the WCCC program disregard when figuring my income eligibility and for WCCC benefits?, 388-290-0075 What (~~are the~~) steps does the WCCC program (~~takes~~) take to determine my family's WCCC eligibility and copayment amount?, 388-290-0085 When might my WCCC copayment change?, 388-290-0090 When do I pay the minimum copayment?, 388-290-0095 If I receive temporary assistance for needy families (TANF) and I am determined eligible for WCCC, when do my benefits begin?, 388-290-0100 If I do not receive temporary assistance for needy families (TANF) and I am determined eligible for WCCC, when do my benefits begin?, 388-290-0105 (~~What is the process for my~~) How do I reapply for WCCC (~~review for reauthorization of my WCCC benefits~~) when my eligibility period is ending?, 388-290-0110 What circumstances might affect my (~~on-going~~) eligibility for (~~the~~) WCCC benefits and when might I be eligible again?, 388-290-0120 When doesn't advance and adequate notice of payment changes apply to me?, 388-290-0125 What child care providers can I choose under the WCCC program?, 388-290-0130 What in-home/relative providers can I choose under the WCCC program?, 388-290-0135 When I choose an in-home/relative provider, what information must I submit to receive WCCC benefits?, 388-290-0140 When does the WCCC program not pay for the cost of in-home/rel-

ative child care?, 388-290-0143 Who must have a background check for the WCCC program and how often is the check done?, 388-290-0145 Why is a background check required and will I be notified of the results?, 388-290-0150 What information (~~is included in~~) does the background check contain and where does it come from?, 388-290-0155 What happens after (~~we receive~~) the WCCC program receives the background information?, 388-290-0160 What convictions would cause the WCCC program to permanently disqualify my in-home/relative provider (~~from being authorized by us~~)?, 388-290-0165 Is there other background information or convictions that will disqualify my in-home/relative provider?, 388-290-0167 What happens if my in-home/relative provider, who provides care in their home, is disqualified based solely on the disqualifying background of an individual living with that provider?, 388-290-0180 When are the WCCC program subsidy rates in this chapter effective?, 388-290-0190 What does the WCCC program pay for and when can the program pay more?, 388-290-0200 What daily rates does DSHS pay for child care in a licensed or certified child care center or DSHS contracted seasonal day camps?, 388-290-0205 What daily rates does DSHS pay for child care in a licensed or certified family home child care (~~home~~)?, 388-290-0220 How does DSHS determine that my child qualifies for a special needs daily rate?, 388-290-0225 What is the (~~DSHS child care~~) additional subsidy daily rate for children with special needs in a licensed or certified child care center or DSHS contracted seasonal day camp?, 388-290-0230 What is the (~~DSHS child care~~) additional subsidy daily rate for children with special needs in a licensed or certified family home child care (~~home~~)?, 388-290-0235 What is the DSHS in-home/relative child care daily rate for children with special needs?, 388-290-0245 When can the WCCC program authorize payment of fees for registration?, 388-290-0250 When can WCCC pay a bonus for enrolling an infant?, 388-290-0255 When can the WCCC program establish a protective payee to pay my in-home/relative provider?, 388-290-0260 Do I have the right to ask for a hearing about my WCCC benefits and how do I ask for one?, 388-290-0265 When can I get WCCC benefits pending the outcome of a hearing? and 388-290-0270 What is a WCCC overpayment and (~~when might I have one~~) what can be included?; and new sections WAC 388-290-0012 When do I need to verify information?, 388-290-0031 What changes do I need to report when I apply for or receive WCCC?, 388-290-0032 What are the consequences if I do not report changes within the specified time-lines?, 388-290-0082 When I am approved, how long is my eligibility period?, 388-290-0107 When do I receive a denial letter?, 388-290-0108 What happens if I meet eligibility requirements after I receive a denial letter?, 388-290-0247 When can the WCCC program authorize payment for field trips fees?, 388-290-0271 When might I be assessed an overpayment?, and 388-290-0273 When would my provider be assessed an overpayment?.

Statutory Authority for Adoption: RCW 74.04.050 and 74.12.340.

Other Authority: RCW 74.13.085, chapter 25, Laws of 2003 1st sp.s.

Adopted under notice filed as WSR 04-02-047 on January 5, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 9, Amended 45, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 9, Amended 48, Repealed 2.

Effective Date of Rule: May 28, 2004.

April 7, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

PERMANENT

WSR 04-07-057
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed March 11, 2004, 4:26 p.m., effective March 22, 2004]

Date of Adoption: March 9, 2004.

Purpose: The Division of Child Support (DCS) is adopting new rules and amending existing rules to establish the procedures for enforcing medical support obligations using the National Medical Support Notice. At the same time, DCS is beginning the regular rule-making process for these rules as well by filing a preproposal statement of inquiry.

AMENDED RULES: WAC 388-14A-1020 What definitions apply to the rules regarding child support enforcement?, 388-14A-4040 DCS can serve some collection actions by electronic service, 388-14A-4100 Can the division of child support make me provide health insurance for my children?, 388-14A-4110 If my support order requires me to provide health insurance for my children, what do I have to do?, 388-14A-4120 DCS (~~uses a~~) uses the National Medical Support Notice (~~of enrollment~~) to enforce an obligation to provide health insurance coverage and 388-14A-4130 What must (~~an employer or union who receives a notice of enrollment do~~) a plan administrator do after receiving a National Medical Support Notice from the division of child support?

NEW RULES: WAC 388-14A-4121 Can a Washington employer assume that every National Medical Support Notice that the employer receives is from the division of child support?, 388-14A-4122 What kind of information is included in the National Medical Support Notice?, 388-14A-4123 What can happen if the employer fails to comply with the terms of the National Medical Support Notice?, 388-14A-4124 Who are the parties involved with National Medical Support Notice?, 388-14A-4125 What must an employer do after receiving a National Medical Support Notice?, 388-14A-4126 What kind of help is available for an employer or plan administrator who has questions about the National Medical Support Notice?, 388-14A-4135 What must the plan administrator do when the noncustodial parent has health insurance but the children are not included in the coverage?, 388-14A-4140 What must the plan administrator do when the noncustodial parent is eligible for health insurance but is not yet enrolled?, 388-14A-4143 What must the plan administrator do when the employer provides health insurance but the noncustodial parent is not yet eligible for coverage?, 388-14A-4145 What must the plan administrator do when the insurance plan in which the noncustodial parent is enrolled does not provide coverage which is accessible to the children?, 388-14A-4150 What must the plan administrator do when the noncustodial parent has more than one family?, 388-14A-4160 Are there any limits on the amount a noncustodial parent may be required to pay for health insurance premiums?, 388-14A-4165 What happens when a noncustodial parent does not earn enough to pay child support plus the health insurance premium?, 388-14A-4170 How long does a National Medical Support Notice or other notice of enrollment remain in effect?, and 388-14A-4175 Is an employer obligated to notify the division of child support when insurance coverage for the children ends?

Citation of Existing Rules Affected by this Order: Amending WAC 388-14A-1020, 388-14A-4040, 388-14A-4100, 388-14A-4110, 388-14A-4120, and 388-14A-4130.

Statutory Authority for Adoption: RCW 74.08.090 and 74.20A.310.

Other Authority: RCW 26.18.170, 42 U.S.C. 666 (a)(19), 45 C.F.R. 303.31.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: DCS is required to use the National Medical Support Notice to enforce medical support obligations under the Child Support Program Incentives Act of 1998 (42 U.S.C. 666 (a)(19)); failure to do so would result in a state plan violation and could jeopardize federal funding for the Washington state child support program.

Number of Sections Adopted in Order to Comply with Federal Statute: New 15, Amended 6, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 15, Amended 6, Repealed 0.

Effective Date of Rule: March 22, 2004.

March 9, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-1020 What definitions apply to the rules regarding child support enforcement? For purposes of this chapter, the following definitions apply:

"**Absence of a court order**" means that there is no court order setting a support obligation for the noncustodial parent (NCP), or specifically relieving the NCP of a support obligation, for a particular child.

"**Absent parent**" is a term used for a noncustodial parent.

"**Accessible coverage**" means health insurance coverage which provides primary care services to the children with reasonable effort by the custodian.

"**Accrued debt**" means past-due child support which has not been paid.

"**Administrative order**" means a determination, finding, decree or order for support issued under RCW 74.20A.055, 74.20A.056, or 74.20A.059 or by another state's agency under an administrative process, establishing the existence of a support obligation (including medical support)

and ordering the payment of a set or determinable amount of money for current support and/or a support debt. Administrative orders include:

- (1) An order entered under chapter 34.05 RCW;
- (2) An agreed settlement or consent order entered under WAC 388-14A-3600; and
- (3) A support establishment notice which has become final by operation of law.

"Agency" means the Title IV-D provider of a state. In Washington, this is DCS.

"Agreed settlement" is an administrative order that reflects the agreement of the noncustodial parent, the custodial parent and the division of child support. An agreed settlement does not require the approval of an administrative law judge.

"Aid" or **"public assistance"** means cash assistance under the temporary assistance for needy families (TANF) program, the aid for families with dependent children (AFDC) program, federally-funded or state-funded foster care, and includes day care benefits and medical benefits provided to families as an alternative or supplement to TANF.

"Alternate recipient" means a child of the employee or retiree named within a support order as being entitled to coverage under an employer's group health plan.

"Applicant/custodian" means a person who applies for nonassistance support enforcement services on behalf of a child or children residing in their household.

"Applicant/recipient," "applicant," and **"recipient"** means a person who receives public assistance on behalf of a child or children residing in their household.

"Arrears" means the debt amount owed for a period of time before the current month.

"Assistance" means cash assistance under the state program funded under Title IV-A of the federal Social Security Act.

"Birth costs" means medical expenses incurred by the custodial parent or the state for the birth of a child.

"Conference board" means a method used by the division of child support for resolving complaints regarding DCS cases and for granting exceptional or extraordinary relief from debt.

"Consent order" means a support order that reflects the agreement of the noncustodial parent, the custodial parent and the division of child support. A consent order requires the approval of an administrative law judge.

"Court order" means a judgment, decree or order of a Washington state superior court, another state's court of comparable jurisdiction, or a tribal court.

"Current support" or **"current and future support"** means the amount of child support which is owed for each month.

"Custodial parent" means the person, whether a parent or not, with whom a dependent child resides the majority of the time period for which the division of child support seeks to establish or enforce a support obligation.

"Date the state assumes responsibility for the support of a dependent child on whose behalf support is sought" means the date that the TANF or AFDC program grant is effective. For purposes of this chapter, the state remains responsible for the support of a dependent child until public

assistance terminates, or support enforcement services end, whichever occurs later.

"Delinquency" means failure to pay current child support when due.

"Department" means the Washington state department of social and health services (DSHS).

"Dependent child" means a person:

(1) Seventeen years of age or younger who is not self-supporting, married, or a member of the united states armed forces;

(2) Eighteen years of age or older for whom a court order requires support payments past age eighteen;

(3) Eighteen years of age or older, but under nineteen years of age, for whom an administrative support order exists if the child is:

(a) A full-time student; and

(b) Reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the end of the month in which the child turns nineteen.

"Disposable earnings" means the amount of earnings remaining after the deduction of amounts required by law to be withheld.

"Earnings" means compensation paid or payable for personal service. Earnings include:

(1) Wages or salary;

(2) Commissions and bonuses;

(3) Periodic payments under pension plans, retirement programs, and insurance policies of any type;

(4) Disability payments under Title 51 RCW;

(5) Unemployment compensation under RCW 50.40.020, 50.40.050 and Title 74 RCW;

(6) Gains from capital, labor, or a combination of the two; and

(7) The fair value of nonmonetary compensation received in exchange for personal services.

"Employee" means a person to whom an employer is paying, owes, or anticipates paying earnings in exchange for services performed for the employer.

"Employer" means any person or organization having an employment relationship with any person. This includes:

(1) Partnerships and associations;

(2) Trusts and estates;

(3) Joint stock companies and insurance companies;

(4) Domestic and foreign corporations;

(5) The receiver or trustee in bankruptcy; and

(6) The trustee or legal representative of a deceased person.

"Employment" means personal services of whatever nature, including service in interstate commerce, performed for earnings or under any contract for personal services. Such a contract may be written or oral, express or implied.

"Family" means the person or persons on whose behalf support is sought, which may include a custodial parent and one or more children, or a child or children in foster care placement. The family is sometimes called the assistance unit.

"Family member" means the caretaker relative, the child(ren), and any other person whose needs are considered in determining eligibility for assistance.

"Foreign order" means a court or administrative order entered by a tribunal other than one in the state of Washington.

"Foster care case" means a case referred to the Title IV-D agency by the Title IV-E agency, which is the state division of child and family services (DCFS).

"Fraud," for the purposes of vacating an agreed settlement or consent order, means:

- (1) The representation of the existence or the nonexistence of a fact;
- (2) The representation's materiality;
- (3) The representation's falsity;
- (4) The speaker's knowledge that the representation is false;
- (5) The speaker's intent that the representation should be acted on by the person to whom it is made;
- (6) Ignorance of the falsity on the part of the person to whom it is made;
- (7) The latter's:
 - (a) Reliance on the truth of the representation;
 - (b) Right to rely on it; and
 - (c) Subsequent damage.

"Full support enforcement services" means the entire range of services available in a Title IV-D case.

"Good cause" for the purposes of late hearing requests and petitions to vacate orders on default means a substantial reason or legal justification for delay, including but not limited to the grounds listed in civil rule 60. The time periods used in civil rule 60 apply to good cause determinations in this chapter.

"Head of household" means the parent or parents with whom the dependent child or children were residing at the time of placement in foster care.

"Health care costs":

- (1) For the purpose of establishing support obligations under RCW 74.20A.055 and 74.20A.056, means medical, dental and optometrical expenses; and(;-)
- (2) For the purpose of enforcement action under chapters 26.23, 74.20 and 74.20A RCW, including the notice of support debt and the notice of support owed, means medical, dental and optometrical costs stated as a fixed dollar amount by a support order.

"Health insurance" means insurance coverage for all medical services related to an individual's general health and well being. These services include, but are not limited to: Medical/surgical (inpatient, outpatient, physician) care, medical equipment (crutches, wheel chairs, prosthesis, etc.), pharmacy products, optometric care, dental care, orthodontic care, preventive care, mental health care, and physical therapy.

"Hearing" means an adjudicative proceeding authorized by this chapter, or chapters 26.23, 74.20 and 74.20A RCW, conducted under chapter 388-02 WAC and chapter 34.05 RCW.

"I/Me" means the person asking the question which appears as the title of a rule.

"Income" includes:

- (1) All gains in real or personal property;
- (2) Net proceeds from the sale or exchange of real or personal property;

- (3) Earnings;
- (4) Interest and dividends;
- (5) Proceeds of insurance policies;
- (6) Other periodic entitlement to money from any source; and
- (7) Any other property subject to withholding for support under the laws of this state.

"Income withholding action" includes all withholding actions which DCS is authorized to take, and includes but is not limited to the following actions:

- (1) Asserting liens under RCW 74.20A.060;
- (2) Serving and enforcing liens under chapter 74.20A RCW;
- (3) Issuing orders to withhold and deliver under chapter 74.20A RCW;
- (4) Issuing notices of payroll deduction under chapter 26.23 RCW; and
- (5) Obtaining wage assignment orders under RCW 26.18.080.

"Locate" can mean efforts to obtain service of a support establishment notice in the manner prescribed by WAC 388-14A-3105.

"Medical support" means either or both:

- (1) Health care costs stated as a fixed dollar amount in a support order; and
- (2) Health insurance coverage for a dependent child.

"National Medical Support Notice" or **"NMSN"** is a federally-mandated form that DCS uses to enforce a health insurance support obligation; the NMSN is a notice of enrollment as described in RCW 26.18.170.

"Noncustodial parent" means the natural parent, adoptive parent, responsible stepparent or person who signed and filed an affidavit acknowledging paternity, from whom the state seeks support for a dependent child. Also called the NCP. A parent is considered to be an NCP when for the majority of the time during the period for which support is sought, the dependent child resided somewhere other than with that parent.

"Other ordinary expense" means an expense incurred by a parent which:

- (1) Directly benefits the dependent child; and
- (2) Relates to the parent's residential time or visitation with the child.

"Participant" means an employee or retiree who is eligible for coverage under an employer group health plan.

"Past support" means support arrears.

"Paternity testing" means blood testing or genetic tests of blood, tissue or bodily fluids. This is also called genetic testing.

"Payment services only" or **"PSO"** means a case on which the division of child support's activities are limited to recording and distributing child support payments, and maintaining case records. A PSO case is not a IV-D case.

"Permanently assigned arrearages" means those arrears which the state may collect and retain up to the amount of unreimbursed assistance.

"Physical custodian" means custodial parent (CP).

"Plan administrator" means the person or entity which performs those duties specified under 29 USC 1002(16)(A) for a health plan. If no plan administrator is specifically so

designated by the plan's organizational documents, the plan's sponsor is the administrator of the plan. Sometimes an employer acts as its own plan administrator.

"Putative father" includes all men who may possibly be the father of the child or children on whose behalf the application for assistance or support enforcement services is made.

"Reasonable efforts to locate" means any of the following actions performed by the division of child support:

(1) Mailing a support establishment notice to the noncustodial parent in the manner described in WAC 388-14A-3105;

(2) Referral to a sheriff or other server of process, or to a locate service or department employee for locate activities;

(3) Tracing activity such as:

(a) Checking local telephone directories and attempts by telephone or mail to contact the custodial parent, relatives of the noncustodial parent, past or present employers, or the post office;

(b) Contacting state agencies, unions, financial institutions or fraternal organizations;

(c) Searching periodically for identification information recorded by other state agencies, federal agencies, credit bureaus, or other record-keeping agencies or entities; or

(d) Maintaining a case in the division of child support's automated locate program, which is a continuous search process.

(4) Referral to the state or federal parent locator service;

(5) Referral to the attorney general, prosecuting attorney, the IV-D agency of another state, or the Department of the Treasury for specific legal or collection action;

(6) Attempting to confirm the existence of and to obtain a copy of a paternity acknowledgment; or

(7) Conducting other actions reasonably calculated to produce information regarding the NCP's whereabouts.

"Required support obligation for the current month" means the amount set by a superior court order, tribal court order, or administrative order for support which is due in the month in question.

"Resident" means a person physically present in the state of Washington who intends to make their home in this state. A temporary absence from the state does not destroy residency once it is established.

"Residential care" means foster care, either state or federally funded.

"Residential parent" means the custodial parent (CP), or the person with whom the child resides that majority of the time.

"Responsible parent" is a term sometimes used for a noncustodial parent.

"Responsible stepparent" means a stepparent who has established an in loco parentis relationship with the dependent child.

"Retained support" means a debt owed to the division of child support by anyone other than a noncustodial parent.

"Satisfaction of judgment" means payment in full of a court-ordered support obligation, or a determination that such an obligation is no longer enforceable.

"Secretary" means the secretary of the department of social and health services or the secretary's designee.

"State" means a state or political subdivision, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a federally recognized Indian tribe or a foreign country.

"Superior court order" means a judgment, decree or order of a Washington state superior court, or of another state's court of comparable jurisdiction.

"Support debt" means support which was due under a support order but has not been paid. This includes:

(1) Delinquent support;

(2) A debt for the payment of expenses for the reasonable or necessary care, support and maintenance including health care costs, birth costs, child care costs, and special child rearing expenses of a dependent child or other person;

(3) A debt under RCW 74.20A.100 or 74.20A.270; or

(4) Accrued interest, fees, or penalties charged on a support debt, and attorney's fees and other litigation costs awarded in an action under Title IV-D to establish or enforce a support obligation.

"Support enforcement services" means all actions the Title IV-D agency is required to perform under Title IV-D of the Social Security Act and state law.

"Support establishment notice" means a notice and finding of financial responsibility under WAC 388-14A-3115, a notice and finding of parental responsibility under WAC 388-14A-3120, or a notice and finding of medical responsibility under WAC 388-14A-3125.

"Support money" means money paid to satisfy a support obligation, whether it is called child support, spousal support, alimony, maintenance, medical support, or birth costs.

"Support obligation" means the obligation to provide for the necessary care, support and maintenance of a dependent child or other person as required by law, including health insurance coverage, health care costs, birth costs, and child care or special child rearing expenses.

"Temporarily assigned arrearages" means those arrears which accrue prior to the family receiving assistance, for assistance applications dated on or after October 1, 1997.

"Title IV-A" means Title IV-A of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 USC.

"Title IV-A agency" means the part of the department of social and health services which carries out the state's responsibilities under the temporary assistance for needy families (TANF) program (and the aid for dependent children (AFDC) program when it existed).

"Title IV-D" means Title IV-D of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 USC.

"Title IV-D agency" or **"IV-D agency"** means the division of child support, which is the agency responsible for carrying out the Title IV-D plan in the state of Washington. Also refers to the Washington state support registry (WSSR).

"Title IV-D case" is a case in which the division of child support provides services which qualifies for funding under the Title IV-D plan.

"Title IV-D plan" means the plan established under the conditions of Title IV-D and approved by the secretary, Department of Health and Human Services.

"Title IV-E" means Title IV-E of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 U.S.C.

"Title IV-E case" means a foster care case.

"Tribunal" means a state court, tribal court, administrative agency, or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine parentage.

"Unreimbursed assistance" means the cumulative amount of assistance which was paid to the family and which has not been reimbursed by assigned support collections.

"We" means the division of child support, part of the department of social and health services of the state of Washington.

"WSSR" is the Washington state support registry.

"You" means the reader of the rules, a member of the public, or a recipient of support enforcement services.

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 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-4040 DCS can serve some collection actions by electronic service. (1) An employer, or any other person, firm, corporation or political subdivision, or any department of the state or federal government may agree with the division of child support (DCS) to accept electronic data transmission (EDT) as service of the following documents:

- (a) Notice of payroll deduction under RCW 26.23.060;
- (b) Order to withhold and deliver under RCW 74.20A.080;
- (c) Assignment of earnings under RCW 74.20A.240;
- (d) Notice of enrollment or National Medical Support Notice (NMSN) under RCW 26.18.170 (2)(a)(iv);

(e) Releases of any of these collection documents; and
 ((e)) (f) Amendments in the amount to be withheld under any of these collection documents.

(2) Agreements for service by EDT must be in writing. The employer, person, firm, corporation, political subdivision or department must agree to accept EDT as:

- (a) Personal service of the withholding documents; and
- (b) A written document for the purposes of chapters 26.23 and 74.20A RCW.

(3) DCS provides the party accepting EDT with copies of the current forms listed in subsection (2) above, as well as any updates to those forms. If DCS fails to provide an updated form, this does not excuse noncompliance with withholding documents served under the EDT agreement.

(4) An agreement to accept service by EDT does not alter the rights, duties and responsibilities related to income withholding action under chapters 26.23, 74.20 or 74.20A.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-4100 Can the division of child support make me provide health insurance for my children?

(1) If a child support order requires the noncustodial parent (NCP) to provide health insurance for the children, the divi-

sion of child support (DCS) attempts to enforce that requirement according to the terms of the order.

(2) ~~((Unless the support order specifies differently, an NCP is obligated to provide health insurance for dependent children if coverage is:~~

~~(a) Available or becomes available through the NCP's employment or union; and~~

~~(b) Available at a cost of not greater than twenty-five percent of the NCP's basic support obligation))~~ When DCS is enforcing a support order which contains a specific dollar limit for the cost of health insurance premiums or provides for coverage which is available at no cost to the NCP, DCS does not require the NCP to provide health insurance if coverage is not available within the limitations of the order.

(3) When DCS is enforcing a support order entered on or after May 13, 1989, unless the support order specifies differently, the NCP must provide health insurance for dependent children if coverage is:

(a) Available or becomes available through the NCP's employment or union; and

(b) Available at a cost of not greater than twenty-five percent of the NCP's basic support obligation.

(4) When DCS is enforcing a support order entered prior to May 13, 1989, unless the support order specifies differently, the NCP must provide health insurance for dependent children if coverage is available or becomes available through the NCP's employment or union:

(a) For a maximum of twenty-five dollars per month, if the order specifies that the NCP must only provide coverage at a reasonable cost; or

(b) For any premium amount whatsoever, if the order does not specify reasonable cost.

(5) DCS serves a notice of intent to enforce a health insurance obligation if the support order:

(a) Requires the NCP either to provide health insurance coverage or prove that coverage is not available; and

(b) Does not inform the NCP that failure to provide health insurance or prove it is not available may result in enforcement of the order without notice to the NCP.

~~((4))~~ (6) DCS serves the notice of intent to enforce a health insurance obligation on the NCP by certified mail, return receipt requested, or by personal service.

~~((5))~~ (7) The notice advises the NCP that the NCP must submit proof of coverage, proof that coverage is not available, or proof that the NCP has applied for coverage, within twenty days of the date((:

~~(a))~~ of service of the notice((:or

~~(b) When health insurance coverage becomes available through the NCP's employer or union)).~~

(8) The notice advises the NCP that, if health insurance is not yet available, the NCP must immediately notify DCS if health insurance coverage becomes available through the NCP's employer or union.

(9) When DCS enforces an NCP's health insurance obligation, such enforcement may include asking the employer and the plan administrator to enroll the NCP in a health insurance plan available through the employer.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-4110 **If my support order requires me to provide health insurance for my children, what do I have to do?** (1) Once ~~((an administrative))~~ a support order is entered requiring health insurance, the noncustodial parent (NCP) must take the following actions within twenty days:

- (a) Provide health insurance coverage; and
- (b) Provide proof of coverage to the division of child support (DCS), such as:
 - (i) The name of the insurer providing the health insurance coverage;
 - (ii) The names of the beneficiaries covered;
 - (iii) The policy number;
 - (iv) That coverage is current; and
 - (v) The name and address of the NCP's employer.

(2) If health insurance coverage ~~((is not immediately))~~ that is accessible to the children named in the order is available, the NCP must:

(a) Provide for coverage ((during the next)) for the children without waiting for an open enrollment period, as provided under RCW 48.01.235 (4)(a); and ((then))

(b) Submit proof of coverage as outlined in subsection (1)(b) above.

(3) If health insurance is not immediately available to the NCP, as soon as health insurance becomes available, the NCP must:

(a) Provide for coverage for the children named in the order; and

(b) Submit proof of coverage as outlined in subsection (1)(b) above.

(4) Medical assistance provided by the department under chapter 74.09 RCW does not substitute for ~~((medical))~~ health insurance.

~~((4))~~ (5) A child's enrollment in Indian health services satisfies the requirements of this section.

(6) See WAC 388-14A-4165 for a description of what happens when the combined total of NCP's current support obligation, arrears payment and health insurance premiums to be withheld by the employer exceeds the fifty per cent limitation for withholding.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-4120 **DCS ~~((serves a))~~ uses the National Medical Support Notice ((of enrollment)) to enforce an obligation to provide health insurance coverage.** (1) The division of child support (DCS) ~~((serves))~~ uses a notice of enrollment called the National Medical support Notice (NMSN) to enforce a noncustodial parent's obligation to provide health insurance coverage under chapter 26.18 RCW.

(2) DCS ~~((serves the notice of enrollment on))~~ sends the NMSN to the NCP's employer ((or union)) in one of the following ways:

- (a) In the same manner as a summons in a civil action,
- ~~((or))~~ (b) By certified mail, return receipt requested,
- (c) By regular mail, or

(d) By electronic means as provided in WAC 388-14A-4040 (1)(d).

(3) ~~DCS ((serves the notice of enrollment))~~ sends the NMSN without notice to the NCP when:

(a) A court or administrative order requires the NCP to provide insurance coverage for a dependent child;

(b) The NCP fails to provide health insurance (either by not covering the child or by letting the coverage lapse) or fails to provide proof of coverage;

(c) The requirements of RCW 26.23.050 are met; and

(d) DCS has reason to believe that coverage is available through the NCP's employer or union.

~~((4) The notice of enrollment advises the employer or union that:~~

~~(a) The NCP is required to provide health insurance coverage for the children named in the notice;~~

~~(b) The employer or union is required to enroll the children in a health insurance plan offered by the employer or union if insurance the children can use is or will become available as provided in subsection (d) below;~~

~~(c) The employer or union must answer the notice of enrollment by completing the answer form and returning it to DCS within thirty-five days;~~

~~(d) The answer must confirm that the employer or union:~~

~~(i) Has enrolled the children in a health insurance plan which provides accessible coverage;~~

~~(ii) Will enroll the children in a health insurance plan providing accessible coverage during the next open enrollment period; or~~

~~(iii) Cannot enroll the children in a plan which provides accessible coverage, stating the specific reasons why coverage cannot be provided.~~

~~(e) The employer or union must provide:~~

~~(i) Information about the health insurance plan and policy as requested in the notice; and~~

~~(ii) Any necessary claim forms or membership cards as soon as they are available.~~

~~(f) The employer or union must withhold premiums from the NCP's net earnings if the NCP is required to pay part or all of the premiums for coverage under the health insurance plan.~~

~~(g) Noncompliance with the notice of enrollment subjects the employer or union to a fine of up to one thousand dollars under RCW 74.20A.270.~~

~~(5) DCS may take action under RCW 74.20A.270 to impose fines if the employer or union fails to comply with the terms of the notice of enrollment. For each failure to comply, DCS may assess a fine of:~~

~~(a) Two hundred dollars for the first month in which the employer or union fails to comply;~~

~~(b) Three hundred dollars for the second month of non-compliance; and~~

~~(c) Five hundred dollars for the third month of non-compliance.~~

~~(d) The maximum fine based on a single notice of enrollment is one thousand dollars.)~~

NEW SECTION

WAC 388-14A-4121 Can a Washington employer assume that every National Medical Support Notice that the employer receives is from the division of child support? (1) The National Medical Support Notice (NMSN) is a federally-mandated form which is used by child support enforcement agencies all over the United States, not just the division of child support (DCS).

(2) Each NMSN form contains information advising the employer which child support enforcement agency sent the NMSN.

NEW SECTION

WAC 388-14A-4122 What kind of information is included in the National Medical Support Notice? The National Medical Support Notice (NMSN) and its cover letter advise the noncustodial parent's employer and the plan administrator that:

(1) The noncustodial parent (NCP) is required to provide health insurance coverage for the children named in the notice;

(2) Information regarding the custodial parent and children, especially address information, is confidential and may not be released to anyone, including the NCP;

(3) The employer must respond to the NMSN by completing the answer form and returning it to DCS within twenty business days of the date on the notice;

(4) The employer or plan administrator is required to enroll the children in a health insurance plan offered by the employer or the union if insurance the children can use is or will become available as provided in WAC 388-14A-4130;

(5) The employer or plan administrator must provide:

(a) Information about the health insurance plan and policy as requested in the notice; and

(b) Any necessary claim forms or membership cards as soon as they are available.

(6) The employer or union must withhold premiums from the NCP's net earnings if the NCP is required to pay part or all of the premiums for coverage under the health insurance plan.

(7) Noncompliance with the NMSN subjects the employer or union to a fine of up to one thousand dollars under RCW 74.20A.270. See WAC 388-14A-4123 for a description of noncompliance penalties.

NEW SECTION

WAC 388-14A-4123 What can happen if the employer fails to comply with the terms of the National Medical Support Notice? (1) If an employer fails to comply with the terms of a National Medical Support Notice (NMSN) sent by the division of child support (DCS), the employer may be liable for a fine of up to one thousand dollars under RCW 74.20A.270.

(2) DCS may take action under RCW 74.20A.270 to impose fines if the employer fails to comply with the terms of the NMSN. For each failure to comply, DCS may assess a fine of:

(a) Two hundred dollars for the first month in which the employer or union fails to comply;

(b) Three hundred dollars for the second month of non-compliance; and

(c) Five hundred dollars for the third month of non-compliance.

(d) The maximum fine based on a single notice of enrollment is one thousand dollars.

NEW SECTION

WAC 388-14A-4124 Who are the parties involved with National Medical Support Notice? (1) The National Medical Support Notice (NMSN) is a federally-mandated form used by child support enforcement agencies to enforce a noncustodial parent's medical support obligation. The division of child support (DCS) uses the NMSN as provided in WAC 388-14A-4120.

(2) DCS sends an NMSN when there is a support order requiring the noncustodial parent (NCP) to provide health insurance coverage for the children.

(3) DCS sends the NMSN to the NCP's employer.

(4) If the employer provides health insurance coverage, the employer forwards the NMSN to the appropriate plan administrator.

(5) The plan administrator is the entity which handles the ministerial functions for the group health plan maintained by the employer or a group health plan to which the employer contributes.

(6) In some cases, the employer performs the duties of the plan administrator.

(7) In some cases, the NCP's union either acts as or contracts with the plan administrator.

(8) The plan administrator sends coverage information to both DCS and the custodial parent (CP).

NEW SECTION

WAC 388-14A-4125 What must an employer do after receiving a National Medical Support Notice? (1) The employer must respond to the National Medical support Notice (NMSN) within twenty business days after the date of the NMSN.

(2) The employer need take no action beyond responding to the NMSN if:

(a) The employer does not maintain or contribute to plans providing dependent or family health care coverage;

(b) The employee is among a class of employees (for example, part-time or nonunion) that are not eligible for family health coverage under any group health plan maintained by the employer or to which the employer contributes; or

(c) The employee either is no longer, or never has been, employed by this employer.

(3) If subsection (2) of this section does not apply, the employer must respond to the NMSN and must:

(a) Forward Part B of the NMSN to the plan administrator of each group health plan identified by the employer to enroll the noncustodial parent's eligible children (see WAC 388-14A-4130 for what the plan administrator must do after receiving an NMSN); and

(b) When notified by the plan administrator that the children are enrolled:

(i) Withhold any employee contributions required for health insurance premiums and transfer those premiums to the appropriate plan; or

(ii) Notify the division of child support that enrollment cannot be completed because the noncustodial parent's net earnings are not high enough to allow withholding of child support and health insurance premiums.

(c) When notified by the plan administrator that the non-custodial parent NCP is subject to a waiting period:

(i) Determine if the waiting period expires more than ninety days from the date the plan administrator received the NMSN or if the waiting period is determined by something other than the passage of time (for example, the completion of a certain number of hours worked); and

(ii) Notify the plan administrator when the NCP is eligible to enroll in the plan, and that the NMSN requires the enrollment of the children named in the NMSN.

NEW SECTION

WAC 388-14A-4126 What kind of help is available for an employer or plan administrator who has questions about the National Medical Support Notice? An employer or plan administrator who receives a National Medical Support Notice (NMSN) from the division of child support (DCS) may do one or more of the following to get help with the form:

(1) Visit the DCS internet web site at <http://www.dshs.wa.gov/dcs/employers.shtml>;

(2) Call the DCS Employer Hotline at 1-800-591-2760; or (3) Contact the DCS field office which issued the NMSN.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-4130 What must ~~((an employer or union who receives a notice of enrollment do))~~ a plan administrator do after receiving a National Medical Support Notice from the division of child support? (1) ~~((An employer or union who receives a notice of enrollment from the division of child support (DCS) must answer the notice within thirty five days of receipt, as provided in WAC 388-14A-4120(4).))~~

(2) ~~The employer or union must enroll the children named in the notice in a health insurance plan which the employer or union offers to the noncustodial parent (NCP) and which provides coverage accessible to the children, unless the NCP's current support obligation:~~

~~(a) Equals or exceeds fifty percent of the NCP's net earnings; or~~

~~(b) Plus the amount of the insurance premium for the children named in the notice exceeds fifty percent of the NCP's net earnings.~~

~~(3) Except for the limitation in subsection (2) above, the employer or union must enroll the children named in the notice in a health insurance plan which the employer or union offers to the noncustodial parent (NCP) and which provides coverage accessible to the children:~~

~~(a) Upon receipt of the notice of enrollment, even if the plan prevents immediate enrollment; or~~

~~(b) When accessible coverage becomes available, if coverage is not available at the time of the notice.~~

~~(4) If the employer or union offers more than one health insurance plan which could cover the children named in the notice, the employer or union must enroll the children in:~~

~~(a) The NCP's plan, unless accessible coverage is not available to the children under that plan; or~~

~~(b) The least expensive plan which provides accessible coverage for the children.~~

~~(5) The notice of enrollment remains in effect until:~~

~~(a) DCS withdraws the notice; or~~

~~(b) Health insurance coverage is no longer available through the employer or union.~~

~~(6) If coverage for the children is terminated, the employer or union must notify DCS within thirty days of the date coverage ends))~~ A plan administrator who receives a National Medical Support Notice (NMSN) must respond to the NMSN within forty business days after the date on the NMSN.

(2) If the noncustodial parent (NCP) and the children are to be enrolled in a health insurance plan, the plan administrator must:

(a) Notify the NCP, each child, and the custodial parent (CP) that coverage of the children is or will become available (notifying the CP is considered the same as notifying the child if they live at the same address); and

(b) If not previously provided, send the CP a description of the coverage available, including the effective date of coverage, a summary plan description and any forms or information necessary for coverage, and information on how to submit claims for benefits.

(3) If there is more than one option available under the plan and the NCP is not yet enrolled, the plan administrator must:

(a) Provide to the division of child support (DCS) copies of applicable summary plan descriptions for available coverage, including the additional participant contribution necessary to obtain coverage for the children under each option and whether any option has a limited service area; and

(b) If the plan has a default option, enroll the children in the plan's default option if the plan administrator has not received DCS' election within twenty business days of the date the plan administrator returned the response to DCS; or

(c) If the plan does not have a default option, enroll the children in the option selected by DCS.

(4) If the NCP is subject to a waiting period that expires within ninety days from the date the plan administrator receives the NMSN, the plan administrator must enroll the children named in the NMSN immediately.

(5) If the NCP is subject to a waiting period that expires more than ninety days from the date the plan administrator receives the NMSN, the plan administrator must notify the employer, DCS, the NCP and the CP of the waiting period. When the waiting period has expired, the plan administrator must:

(a) Enroll the NCP and the children named in the NMSN, as provided in subsection (2) or (3) above; and

(b) Notify the employer of enrollment so that the employer may determine if the NCP's income is sufficient to withhold health insurance premiums, and then either withhold accordingly or notify DCS, as provided in WAC 388-14A-4125 (2)(b).

(6) If the NCP is subject to a waiting period whose duration is determined by a measure other than the passage of time (for example, the completion of a certain number of hours worked), the plan administrator must notify the employer, DCS, the NCP and the CP of the waiting period. When the waiting period has expired, the plan administrator must:

(a) Enroll the NCP and the children named in the NMSN, as provided in subsection (2) or (3) above; and

(b) Notify the employer of enrollment so that the employer may determine if the NCP's income is sufficient to withhold health insurance premiums, and then either withhold accordingly or notify DCS, as provided in WAC 388-14A-4125 (2)(b).

(7) If the plan administrator determines that the NMSN does not constitute a Qualified Medical Child Support order as defined by ERISA, the plan administrator must:

(a) Notify DCS using the part of the NMSN called the plan administrator response; and

(b) Notify the NCP, the CP and the children of the specific reasons for the determination. A copy of the plan administrator response is considered sufficient notice under this section.

NEW SECTION

WAC 388-14A-4135 What must the plan administrator do when the noncustodial parent has health insurance but the children are not included in the coverage? (1) If the noncustodial parent (NCP) is enrolled in a health insurance plan through the employer but has not enrolled the children named in the National Medical Support Notice (NMSN), the plan administrator must follow the steps outlined in WAC 388-14A-4130(2) and:

(a) Enroll the child(ren) named in the NMSN under the NCP's health insurance plan; and

(b) Notify the employer and the division of child support (DCS) that the child(ren) have been enrolled.

(2) Under RCW 48.01.235 (4)(a), the plan administrator must enroll a child who is otherwise eligible for the coverage without regard to any enrollment season restrictions.

(3) WAC 388-14A-4145 discusses what the plan administrator must do if the NCP's health insurance plan is not accessible to the children.

NEW SECTION

WAC 388-14A-4140 What must the plan administrator do when the noncustodial parent is eligible for health insurance but is not yet enrolled? (1) If the noncustodial parent (NCP) is eligible for health insurance through the employer but has not enrolled on his or her own, the plan administrator must proceed under WAC 388-14A-4130(3) and:

(a) enroll the NCP and the children in the least expensive plan which provides accessible coverage for the children named in the National Medical Support Notice (NMSN); and

(b) notify the employer and the division of child support (DCS) that the NCP and the children have been enrolled.

(2) The plan administrator notifies DCS of all health insurance plans for which the NCP is eligible, and notifies DCS which plan is the default option.

(3) If DCS does not specify otherwise within twenty business days of the date the plan administrator responds to DCS, the plan administrator must enroll the NCP and the children in the default plan.

(4) Under RCW 48.01.235 (4)(a), the plan administrator must enroll, under the family coverage, a child who is otherwise eligible for the coverage without regard to any enrollment season restrictions. In order to obtain coverage for the children, the plan administrator must enroll an otherwise eligible NCP without regard to any enrollment season restrictions.

NEW SECTION

WAC 388-14A-4143 What must the plan administrator do when the employer provides health insurance but the noncustodial parent is not yet eligible for coverage? If the noncustodial parent is subject to a waiting period before being eligible for coverage under a health insurance plan provided by the employer, the plan administrator must proceed as follows:

(1) If the NCP is subject to a waiting period of ninety days or less, see WAC 388-14A-4130(4);

(2) If the NCP is subject to a waiting period of more than ninety days, see WAC 388-14A-4130(5); and

(3) If the NCP is subject to a waiting period whose duration is determined by a measure other than the passage of time, see WAC 388-14A-4130(6).

NEW SECTION

WAC 388-14A-4145 What must the plan administrator do when the insurance plan in which the noncustodial parent is enrolled does not provide coverage which is accessible to the children? (1) If more than one plan is offered by the employer or union, and each plan may be extended to cover the child, then the plan administrator must enroll the children named in the national medical support notice (NMSN) in the plan in which the noncustodial parent (NCP) is enrolled.

(2) If the NCP's plan does not provide coverage which is accessible to the child, the plan administrator:

(a) May give the NCP the opportunity to change plans so that NCP and the children may be enrolled in a plan which provides accessible coverage for the children; but

(b) Is not required to change the NCP's plan to one which provides accessible coverage for the children.

NEW SECTION

WAC 388-14A-4150 What must the plan administrator do when the noncustodial parent has more than one family? (1) When a noncustodial parent (NCP) has a health

insurance obligation for more than one family, the division of child support (DCS) sends one national medical support notice (NMSN) for each family to the NCP's employer.

(2) If the NCP is already enrolled in a health insurance plan, the plan administrator must attempt to enroll all children named in all of the NMSNs in the NCP's plan.

(3) If the NCP is not already enrolled in a health insurance plan, and the employer offers a health insurance plan which would cover all children named in all of the NMSNs, the plan administrator must enroll the children in that plan. See WAC 388-14A-4140.

(4) If the employer offers only one health insurance plan, or multiple plans which would cover some, but not all of the children named in the NMSNs, the plan administrator must so notify DCS.

(5) DCS chooses the appropriate health insurance plan by considering the following factors:

- (a) The wishes of the custodial parent of each family;
- (b) The premium limits set by the support orders;
- (c) The relative ages of all the children;
- (d) How many of NCP's children live in Washington and how many live elsewhere;
- (e) How many of NCP's children receive Medicaid;
- (f) How many of NCP's children are already covered by private health insurance;

- (g) Which plan covers the most children; and
- (h) Other factors as may be developed in DCS policy.

(6) The factors listed in subsection (5) are not exclusive, nor are they equally weighted.

(7) Nothing in this section requires the plan administrator to take action to change the NCP's plan unless the NCP requests a change.

NEW SECTION

WAC 388-14A-4160 Are there any limits on the amount a noncustodial parent may be required to pay for health insurance premiums? (1) The National Medical Support Notice (NMSN) advises the employer of any limitations on the amount a noncustodial parent (NCP) may be required to pay for health insurance premiums to cover the children.

(2) Often the support order which contains the health insurance obligation determines the limitation on premium amounts, or states that there is no limitation.

(3) Where the support order does not specify premium amount limitation, the NCP must provide health insurance if it is available at a cost of not greater than twenty-five per cent of the NCP's basic support obligation.

(4) Even if the medical insurance premium is within the limits set by the order or by WAC 388-14A-4100, the fifty percent limitation on withholding found in RCW 26.23.060 (3) still applies. See WAC 388-14A-4165 for a description of what happens when the fifty percent limitation is exceeded.

(5) If DCS requires the employer or plan administrator to enroll the NCP in a health insurance plan in order to obtain coverage for the NCP's children, the premium attributable to coverage for the NCP counts in the amount to be withheld when calculating the fifty percent limitation on withholding. See also WAC 388-14A-4165(3).

NEW SECTION

WAC 388-14A-4165 What happens when a noncustodial parent does not earn enough to pay child support plus the health insurance premium? (1) Under RCW 26.23.060(3), a payroll deduction may not exceed fifty percent of the noncustodial parent's disposable earnings in each pay period.

(2) When the division of child support (DCS) enforces a child support obligation through an income withholding action and also enforces a health insurance obligation, the noncustodial parent's employer often must withhold amounts for:

- (a) Current child support;
- (b) Child support arrears; and
- (c) Health insurance premiums.

(3) When the employer or plan administrator must enroll the noncustodial parent (NCP) in a health insurance plan in order to enroll the children (see WAC 388-14A-4140), the premium amount for the NCP's coverage is included the amounts to withhold under subsection (2) above. If the NCP is already enrolled in a plan, the premium amount for the NCP's coverage is not included the amounts to withhold under that subsection.

(4) If the combined amounts for current support, support arrears and health insurance premiums are more than fifty percent of the noncustodial parent's disposable earnings, the employer must notify DCS immediately.

(5) In certain circumstances, DCS may adjust the amount to be withheld for support arrears so that the total amount withheld does not exceed fifty percent of the noncustodial parent's disposable earnings.

(6) If the noncustodial parent's current support obligation plus health insurance premiums exceeds fifty percent of the noncustodial parent's disposable earnings, DCS:

- (a) Enforces the child support obligation through income withholding; but
- (b) Is not able to enforce the noncustodial parent's health insurance obligation at that time.

NEW SECTION

WAC 388-14A-4170 How long does a National Medical Support Notice or other notice of enrollment remain in effect? (1) The National Medical Support Notice (NMSN) is a Qualified Medical Child Support Order.

(2) The NMSN or earlier notice of enrollment served by the division of child support (DCS) remains in effect until:

- (a) DCS withdraws the notice in writing; or
- (b) Health insurance coverage is no longer available through the employer or union.

NEW SECTION

WAC 388-14A-4175 Is an employer obligated to notify the division of child support when insurance coverage for the children ends? (1) Once the division of child support (DCS) has notified an employer that the noncustodial parent (NCP) is obligated by a support order to provide health insurance coverage for the children named in the order, the national medical support notice (NMSN) or other notice of

enrollment remains in effect as specified in WAC 388-14A-4170.

(2) If coverage for the children is terminated, the employer must notify DCS within thirty days of the date coverage ends.

WSR 04-07-182
EMERGENCY RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed March 24, 2004, 9:33 a.m.]

Date of Adoption: March 24, 2004.

Purpose: To implement the Uniform Money Services Act, chapter 287, Laws of 2008 [2003], chapter 19.230 RCW; specifically to facilitate licensing, monitoring, investigation and examination of money services businesses as required by the act. This is an extension of the emergency rule filed as WSR 03-24-035, on November 25, 2003. The agency has filed a notice of intent to adopt this, or a substantially similar rule as a permanent rule. The CR-101 was filed on July 11, 2003, WSR 03-115-044. The agency is actively undertaking the appropriate procedures to adopt the rule as a permanent rule.

Statutory Authority for Adoption: RCW 43.320.040, chapter 19.230 RCW.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: As of October 1, 2003, both new and existing money services businesses may not operate without a license issued by the Department of Financial Institutions. Periodic reporting to federal and state agencies is required, as well as procedures for investigations and examinations. To provide a framework for these various regulatory activities, an emergency rule is necessary.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 23, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 19, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 22, 2004
 Helen P. Howell
 Director

Chapter 208-690 WAC
REGULATION OF MONEY SERVICES PROVIDERS

PART A
DEFINITIONS

NEW SECTION

WAC 208-690-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Act" means the Uniform Money Services Act, chapter 19.230 RCW, and C 287 L 2003.

(2) "Affiliate" means any person who directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with, another person.

(3) "Annual license assessment due date" means the date specified in WAC 208-690-090.

(4) "Applicant" means a person that files an application for a license under this chapter, including the applicant's proposed responsible individual and executive officers, and persons in control of the applicant.

(5) "Audited financial statement," means a statement prepared by an independent accountant according to generally accepted accounting principles.

(6) "Authorized delegate," means a person a licensee designates to provide money services on behalf of the licensee. A person that is exempt from licensing under this chapter cannot have an authorized delegate.

(7) "Board director" means a member of the applicant or licensee's board of directors if the applicant or licensee is a corporation or limited liability company, or a partner if the applicant or licensee is a partnership.

(8) "Control" means:

(a) Ownership of, or the power to vote, directly or indirectly, at least twenty-five percent of a class of voting securities or voting interests of a licensee or applicant, or person in control of a licensee or applicant;

(b) Power to elect a majority of executive officers, managers, directors, trustees, or other persons exercising managerial authority of a licensee or applicant, or person in control of a licensee or applicant; or

(c) Power to exercise directly or indirectly, a controlling influence over the management or policies of a licensee or applicant, or person in control of a licensee or applicant;

(9) "Currency exchange" means exchanging the money of one government for the money of another government, or holding oneself out as able to exchange the money of one government for the money of another government. The following persons are not considered currency exchangers:

(a) Affiliated businesses that engage in currency exchange for a business purpose other than currency exchange;

(b) A person who provides currency exchange services for a person acting primarily for a business, commercial, agricultural, or investment purpose when the currency exchange is incidental to the transaction;

(c) A person who deals in coins or money whose value is primarily determined because it is rare, old, or collectible;

(d) A person who in the regular course of business chooses to accept from a customer the money of a country other than the United States in order to complete the sale of a good or service other than currency exchange, that may include cash back to the customer, and does not otherwise engage in currency exchange for compensation or gain.

(10) "Currency exchanger" means a person that is engaged in currency exchange.

(11) "Director" means the director of the Department of Financial Institutions, and includes a designee of the director.

(12) "Executive officer" means a president, chairperson of the executive committee, chief financial officer, responsible individual, or other individual who performs similar functions.

(13) "Financial institution" means any person doing business under the laws of any state or the United States relating to commercial banks, bank holding companies, savings banks, savings and loan associations, trust companies, or credit unions.

(14) "Licensee" means a person licensed under Chapter 19.230, RCW.

(15) "Mail" includes electronic mail.

(16) "Material litigation" means litigation that according to generally accepted accounting principles is significant to an applicant's or licensee's financial health and would be required to be included in an applicant's or licensee's audited financial statements, report to shareholders, or similar records.

(17) "Mobile location" means a vehicle or movable facility where money services are provided

(18) "Money" means a medium of exchange or unit of account that is authorized, adopted or recognized by the United States or a foreign government. "Money" also includes a medium of exchange or unit of account established by an intergovernmental organization or by agreement between two or more governments.

(19) "Money services," means money transmission or currency exchange.

(20) "Money transmission" means receiving money or its equivalent value to transmit, deliver, or instruct to be delivered, the money or its equivalent value to another location, inside or outside the United States, by any means including but not limited to wire, facsimile, or electronic transfer. "Money transmission" does not include the provision solely of connection services to the Internet, telecommunications services, or network services, or network access.

(21) "Money transmitter" means a person that is engaged in money transmission.

(22) "Outstanding money transmission" means the value of all money transmissions reported to the licensee for which the money transmitter has received money or its equivalent value from the customer for transmission, but has not yet completed the money transmission by delivering the money or monetary value to the person designated by the customer.

(23) "Payment instrument" means a check, draft money order, traveler's check, or other instrument for the transmission or payment of money or its equivalent value, whether or not negotiable. "Payment instrument" does not include a credit card voucher, letter of credit, or instrument that is redeemable by the issuer in goods or services.

(24) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture; government, governmental subdivision, agency or instrumentality; public corporation; or any other legal or commercial entity.

(25) "Principal" means any person who controls, directly or indirectly through one or more intermediaries, alone or in concert with others, a ten percent or greater interest in a partnership, company, corporation, or association, or the owner of a sole proprietorship.

(26) "RCW" means the *Revised Code of Washington*.

(27) "Record" means information that is inscribed on a tangible medium, or that is stored in an electronic or other medium, and is retrievable in perceivable form.

(28) "Responsible individual" means an individual who is employed by a licensee and has principal managerial authority over the provision of money services by the licensee in this state.

(29) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any other territory or insular possession subject to the jurisdiction of the United States.

(30) "Stored value" means the recognition of value or credit to the account of persons, when that value or credit is primarily intended to be redeemed for a limited universe of goods, intangibles, services, or other items provided by the issuer of the stored value, its affiliates, or other involved in transactions functionally related to the goods, intangibles, services; or other items sold by the issuer or its affiliates.

(31) "Unsafe or unsound practice" means a practice or conduct by a person licensed or required to be licensed by the Act to provide money services, or an authorized delegate of such a person, which creates the likelihood of material loss, insolvency, or dissipation of the licensee's assets, or otherwise materially prejudices the financial condition of the licensee or the interests of its customers.

Statutory authority: RCW 19.230.010.

PART B APPLICATION OF THE ACT

NEW SECTION

WAC 208-690-020 Application. The Act and these rules apply only to the activities of money transmission and currency exchange, as defined in the Act and these rules. These definitions focus on activities engaged in rather than the entity that engages in them. Section 4 of the Act (RCW 19.230.020) lists certain exclusions. As a general rule, there is no attempt to include in the application of the Act and these rules those financial activities that are otherwise regulated and involve the transfer of money or its equivalent value as an ancillary or incidental part of the core activity. The target of the Act and these regulations is money transmission and currency exchange as stand-alone for-profit services.

A person who obtains a license to engage in money transmission may provide currency exchange services without obtaining a separate currency exchange license.

Statutory authority: RCW 19.230.020.

**PART C
LICENSING**

NEW SECTION

WAC 208-690-030 License application. Each person required to have a money transmission or currency exchange license must apply to the director by filing:

- (1) A completed application in the form prescribed by the director;
- (2) For the responsible individual and principal(s):
 - (a) Biographical information, including employment history for the immediate previous five years;
 - (b) A personal credit report from a recognized independent credit-reporting agency;
 - (c) A signed authorization for a background investigation on a form prescribed by the director.
- (3) If the application is for money transmission, a surety bond as required by WAC 208-690-040;
- (4) A non-refundable application fee as prescribed by WAC 208-690-130(1). The application fee is not refundable.
- (5) An initial license fee as prescribed by WAC 208-690-130(2). The initial license fee will be refunded if the license application is denied.
- (6) For each authorized delegate, the business name, including any additional names by which the business may be known, the business address and the name of the primary contact person. If an authorized delegate provides money services at more than one location the business address of each such location must be provided.
- (7) A full description of the screening process used by the applicant in selecting authorized delegates, including any sample forms used, the method used to screen for criminal history, and a sample of the contract which the applicant uses to establish the legal relationship of authorized delegate.
- (8) If the applicant is a money transmitter, a certification that the applicant's investment portfolio includes only permissible investments under RCW 19.230.200 and 19.230-210.

Statutory authority: RCW 19.230.030

NEW SECTION

WAC 208-690-031 Addition of authorized delegates. To add authorized delegate(s) or company-owned locations after a money transmitter or currency exchanger license has been issued, the licensee must apply to the director by filing:

- (1) A completed application in the form prescribed by the director;
- (2) For each proposed additional authorized delegate, the business name, including any additional names by which the business may be known, the business address and name of the primary contact person, and the business address of each location where the authorized delegate will provide money services;
- (3) Fees required by WAC 208-690-130 for the addition of authorized delegates.

Statutory authority: RCW 19.230.030

NEW SECTION

WAC 208-690-035 Authorized delegates, limitation, inclusion. (1) Only a licensee may designate an authorized delegate. An authorized delegate, or any other person exempt from the licensing requirements of chapter 19.230 RCW cannot have an authorized delegate.

(2) Any person who is designated by a licensee to provide money services on behalf of the licensee is an authorized delegate, regardless of whether that person would be exempt from the application of chapter 19.230 RCW if they provided money services on their own behalf.

Statutory authority: RCW 19.230.005; 19.230.010(3); 199.230.320.

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

NEW SECTION

WAC 208-690-040 Surety bond. (1) Each money transmitter licensee shall continuously maintain a surety bond as required by RCW 19.230.050, issued by a company authorized to do surety business in this state, as a surety. The surety may not be a wholly owned subsidiary or affiliate of the applicant or licensee.

(2) The penal sum of the bond shall be calculated annually according to the following schedule:

- (a) \$10,000 if the applicant or licensee had money transmission receipts of less than one million dollars for the previous twelve months, including applicants who have not previously engaged in providing money transmission services.
- (b) \$20,000 if the applicant or licensee had money transmission receipts of at least one million but less than two million dollars for the previous twelve months.
- (c) \$30,000 if the applicant or licensee had money transmission receipts of at least two million but less than three million dollars for the previous twelve months.
- (d) \$40,000 if the applicant or licensee had money transmission receipts of at least three million but less than four million dollars for the previous twelve months.
- (e) \$50,000 if the applicant or licensee had money transmission receipts of four million dollars or more for the previous twelve months.

In addition to these amounts the penal sum of the bond is increased by \$10,000 for each additional location where that applicant provides money services, including each location of authorized delegates, and each location owned and operated by the applicant, up to a maximum total amount of \$500,000.

Statutory authority: RCW 19.230.050.

NEW SECTION

WAC 208-690-045 Alternative to the surety bond, certificate of deposit. In lieu of the surety bond required under WAC 208-690-040, an applicant or licensee may substitute an assignment in favor of the director of a certificate of deposit. The certificate of deposit must be issued by a financial institution in the State of Washington whose shares or deposits are insured by an agency of the government of the

United States. The depositor is entitled to receive all interest and dividends on the certificate of deposit.

Statutory authority: RCW 19.230.050.

NEW SECTION

WAC 208-690-050 Increase of security. The director may increase the amount of security required, to a maximum of \$1,000,000, if the financial condition of a money transmitter licensee so requires. The director shall consider, without limitation, the following criteria:

- (1) Significant reduction of net worth.
- (2) Financial losses.
- (3) Potential losses resulting from violations of Chapter 19.230, RCW, or these rules;
- (4) Licensee filing for bankruptcy.
- (5) The initiation of license revocation proceedings against the licensee in any state or foreign country.
- (6) The filing of a state or federal criminal indictment against the licensee, key officer, board director or principal, based on conduct related to providing money services or money laundering.
- (7) A licensee, executive officer, board director, or principal being convicted of a crime.
- (8) The safety and soundness of the licensee.
- (9) Other events and circumstance that, in the judgment of the director, impair the ability of the licensee to meet its obligations to its money services customers.

Statutory authority: RCW 19.230.050(6).

NEW SECTION

WAC 208-690-060 Net worth. (1) A money transmitter applicant or licensee must maintain and demonstrate a net worth of at least the amounts set forth in the following schedule:

- (a) \$10,000 if the applicant has not previously engaged in the provision of money services, or it had money transmission receipts of less than one million dollars for the previous twelve months.
- (b) \$20,000 if the applicant or licensee had money transmission receipts of at least one million dollars but less than two million dollars for the previous twelve months;
- (c) \$30,000 if the applicant or licensee had money transmission receipts of at least two million dollars but less than three million dollars for the previous twelve months;
- (d) \$40,000 if the applicant or licensee had money transmission receipts of at least three million dollars but less than four million dollars for the previous twelve months; or
- (e) \$50,000 if the applicant or licensee had money transmission receipts of four million dollars or more for the previous twelve months.

(2) Determinations of net worth must be made according to generally accepted accounting principles.

Statutory authority: RCW 19.230.060.

NEW SECTION

WAC 208-690-070 License denial, suspension, revocation. (1) Director may deny, condition, suspend or revoke

a money services license, or take other appropriate action, if the director determines that:

- (a) The application is incomplete;
- (b) The surety bond, or net worth requirements of WAC 208-690-040 through WAC 208-690-060 have not been met, or is currently or has been insufficient;
- (c) The general fitness and character requirements of RCW 19.230.070 or 19.230.100 have not been met as demonstrated by findings including but not limited to the following:
 - (i) The applicant or licensee, an executive officer, proposed responsible person, board director or person in control has been convicted of any felony within the past 10 years;
 - (ii) The applicant or licensee, an executive officer, proposed responsible person, board director or person in control has been convicted of a crime involving a financial transaction within the past 10 years;
 - (iii) The applicant or licensee, an executive officer, proposed responsible person, board director or person in control has criminal, civil, or administrative charges issued against him/them in any jurisdiction for violations relating to a financial transaction(s) within the past 10 years;
 - (iv) The applicant or licensee, an executive officer, proposed responsible person, board director, or person in control has falsified any information supplied in connection with the application;
 - (v) The applicant or licensee, or any authorized delegate thereof, has had an adverse action taken against any business license related to providing financial services by a jurisdiction within the United States within the past 5 years.
 - (vi) The applicant or licensee has allowed a business under their control to deteriorate to a condition of insolvency determined by the fact that its liabilities exceed its assets or it cannot meet its liabilities as they mature.
- (d) The applicant or licensee, or any authorized delegate thereof, fails to respond to a request for information from the director.
- (e) The applicant or licensee has failed to register with the United States Department of the Treasury as required by 31 USC Section 5330.
- (f) The applicant or licensee, an executive officer, proposed responsible individual, board director, or person in control is listed on the specially designated nationals and blocked persons list prepared by the United States department of the treasury as a potential threat to commit terrorist acts or to finance terrorist acts.

(2) In lieu of denying an application as authorized by any of the findings in subsection (1) of this section, the director may suspend processing that application if the director determines that the condition or circumstances that would likely lead to denial may be temporary and resolved satisfactorily within a reasonable period of time. The director may resume processing the application if the director determines that a favorable resolution of the disqualifying condition has occurred.

(3) The director may revoke or suspend a license and issue an order to cease and desist operations as a money services licensee if (a) another jurisdiction initiates an adverse action against the money services license of the licensee, or (b) upon finding the existence of any condition or fact that

would have led to denial of a license if known by the director during the processing of the application.

Statutory authority: RCW 19.230.070.

PART D RECORDKEEPING AND REPORTING REQUIREMENTS

NEW SECTION

WAC 208-690-075 Transaction records. In addition to the records required to be retained under RCW 19.230.170, a licensee shall maintain a record of all money services transactions including for each transaction:

- (1) The customer's name, social security number and address;
- (2) The date and time of the transaction;
- (3) Whether the transaction was a money transmission or currency exchange; and
- (4) The amount of the transaction.

The record of money services transactions shall be retained for a period of at least five years, and shall be recorded in a format and medium prescribed by the director.

Statutory Authority: RCW 19.230.170(e).

NEW SECTION

WAC 208-690-080 Audited annual financial statement. A money transmitter licensee is required to have an audited financial statement prepared annually in accordance with generally accepted accounting principles.

Statutory authority: RCW 19.230.110.

NEW SECTION

WAC 208-690-090 Annual report and annual assessment. Every licensee must submit a completed annual report and annual license assessment fee prescribed by WAC 208-690-140. The completed report and the fee must be received in the Department office no later than 5:00 p.m. July 1, or 5:00 p.m. the next business day if July 1 is not a business day. A form for the preparation of the annual report and license assessment will be made available by electronic transmission or mailed upon request. The report shall include the following:

- (1) If the licensee is a money transmitter a copy of the licensee's most recent audited annual financial statement or, if the licensee is a wholly owned subsidiary of another corporation, the most recent audited consolidated annual financial statement of the parent company.
- (2) A list of current authorized delegates in a form and in a medium prescribed by the director.
- (3) If the licensee is a money transmitter, a certification that the licensee's investment portfolio includes only permissible investments under RCW 19.230.200 and 19.230.210.
- (4) If the licensee is a money transmitter, proof that the licensee has an adequate surety bond or assignment of a certificate of deposit and net worth as required by WAC 208-690-040 through WAC 208-690-060.

(5) A description of each material change, as defined by WAC 208-690-110, which has not been previously reported to the director.

Statutory authority: 19.230.110.

NEW SECTION

WAC 208-690-100 Late penalty. (1) If a licensee fails to submit the required annual report, or license assessment fee by July 1, the director shall send the licensee a notice of suspension and assess a late fee equal to twenty-five percent of the license assessment fee. If a licensee whose license has been suspended under this section submits a completed annual report, the annual assessment and the late fee to the Department office no later than 5:00 p.m., July 31, the license suspension shall be removed. If the delay extends past July 31, the director shall send a notice to the licensee that its license has expired effective August 1.

(2) The director may reinstate an expired license under this section if, by August 20, the licensee:

(a) Files the complete annual report and pays both the annual license assessment and the late fee; and

(b) The licensee did not engage in providing money services during the period its license was expired.

(3) If any of the deadlines in this section occur on a day that is not a business day, the deadline shall be the next business day.

Statutory authority: RCW 19.230.110

NEW SECTION

WAC 208-690-110 Report of material change. Material changes described in this section must be reported to the director within thirty days of the occurrence of the change. "Material change" means any change that is not trivial, and that, if not reported, would cause an investigation or examination to be misled or delayed. Such changes include, but are not limited to:

- (1) A change of the physical and/or mailing address;
- (2) A change of the responsible individual;
- (3) A change of the licensee's name or DBA (Doing Business As);
- (4) A change in the location where the records of the licensee that are required to be retained under RCW 19.230.170 are kept;
- (5) The obtaining or surrender of a money services license in any other jurisdiction;
- (6) The conviction of the licensee, an executive officer, responsible person, or person in control of a felony or of any crime involving a financial transaction; and
- (7) Other similar activities or events.

The fee prescribed by WAC 208-690-150 must accompany each report.

Statutory Authority: RCW 19.230.120; RCW 19.230.150

NEW SECTION

WAC 208-690-112 Other reports. A licensee shall file a report with the director within one business day after the licensee has reason to know of the occurrence of any of the following events:

(1) The filing of a petition by or against the licensee, or any authorized delegate of the licensee, under the United States Bankruptcy Code (11 U.S.C. 101-110) for bankruptcy or reorganization;

(2) The filing of a petition by or against the licensee, or any authorized delegate of the licensee, for receivership, the commencement of any other judicial or administrative proceeding for its dissolution or reorganization, or the making of a general assignment for the benefit of creditors;

(3) The commencement of a proceeding to revoke, suspend, restrict, or condition its license, or otherwise discipline or sanction the licensee, in a state or country in which the licensee engages in business or is licensed;

(4) The cancellation or other impairment of the licensee's bond or other security;

(5) A charge or conviction of the licensee or of an executive officer, responsible individual, board director of the licensee, or person in control of the licensee, for a felony; or

(6) A charge or conviction of an authorized delegate for a felony.

Statutory Authority: RCW 19.230.150.

NEW SECTION

WAC 208-690-115 Request for approval of change of control. A request for approval of change of control as required by RCW 19.230.160 shall be made within fifteen days after learning of the proposed change of control and at least thirty days prior to the proposed change of control. The request for approval shall include:

(1) A comprehensive description of the proposed change that sets forth

(a) The identity of all persons acquiring control under the proposed change;

(b) The ownership interest and managerial authority of all persons in control under the proposed change.

(2) For each new person in control under the proposed change,

(a) Biographical information, including employment history for the immediate previous five years;

(b) A personal credit report issued by a recognized independent credit reporting agency;

(c) A signed authorization for a background investigation on a form prescribed by the director.

(3) A transaction fee as prescribed by WAC 208-690-150.

Statutory Authority: RCW 19.230.160; 19.230.320.

NEW SECTION

WAC 208-690-120 Quarterly reports; deletion of authorized delegates,—Locations; Address or name change. (1) A licensee shall file with the director within forty-five days after the end of each fiscal quarter:

(a) Any deletion of previously designated/existing locations where money services are provided, including mobile locations;

(b) Any change in the name or trade name (DBA or Doing Business As) of an existing authorized delegate;

(c) Any deletions from its roster of authorized delegates; and

(d) The fee required by WAC 208-690-150.

(2) If there is no change in the roster of authorized delegates or locations where money services are provided, or any changes in the name or trade name (DBA or Doing Business As) of any authorized delegate during a fiscal quarter, no filing is required.

Statutory authority: RCW 19.230.150.

PART E FEES

NEW SECTION

WAC 208-690-130 License fees. (1) A non-refundable license application fee of \$500 shall be paid by each license applicant, plus \$50 for each additional location where the licensee or an authorized delegate will provide money services, up to a maximum of \$8,000. A non-refundable application fee of \$50 shall be paid by a licensee for each authorized delegate or company owned location the licensee seeks to add to its roster after the company license has been issued.

(2) An applicant shall pay an initial license fee of \$500, plus \$50 for each additional location where the applicant or an authorized delegate will provide money services, up to a maximum of \$8,000. This initial license fee is refundable if the application is denied. A licensee shall pay an initial license fee of \$50 for each authorized delegate the licensee seeks to add to its roster after the license has been issued. This fee is refundable if the application to add an authorized delegate is denied. The fee is not refundable if the application is withdrawn.

Statutory Authority: RCW 19.230.320.

NEW SECTION

WAC 208-690-140 License assessment. A licensee shall pay an annual license assessment of \$500 plus \$50 for each additional location where the licensee or an authorized delegate provides money services, up to a maximum of \$8,000.

Statutory authority: RCW 19.230.320.

NEW SECTION

WAC 208-690-150 Transaction fee. (1) A fee of \$30 shall be paid by a licensee for the administrative costs connected with processing each

(a) Change of licensee's physical or mailing address, name or trade name (DBA or Doing Business As);

(b) Request for approval of a change in control of a licensee;

(c) The responsible individual;

(d) Change in the business/trade name or location of an existing authorized delegate, or company-owned location, or deletions from the roster or authorized delegates; or

(e) Material change.

(2) Transaction fees to cover administrative costs are separate, distinct and from, and in addition to investigation and examination fees under WAC 208-690-170.

Statutory authority: RCW 19.230.320.

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

NEW SECTION

WAC 208-690-160 Late fees. A late fee of twenty five percent of the annual license assessment will be added to the assessment if the annual report and license assessment are not received in the office of the Department by 5:00 p.m., July 1. If July 1 is not a business day, the deadline will be the next business day.

Statutory authority: RCW 19.230.320.

NEW SECTION

WAC 208-690-170 Investigation and examination fee. (1) The director will collect fees of \$75 per hour for investigation and examination, including but not limited to the following services:

(a) The review and attendant investigation of changes in control, changes in the responsible individual, changes in the identity or location of authorized delegates, and other material changes.

(b) The review and attendant investigation of permissible investments of the licensee.

(c) Any examination of the licensee's books, records and files deemed necessary by the director.

(2) The licensee, applicant or person subject to licensing under this chapter who is the subject of an examination or investigation shall pay the actual expenses of required out of state travel including but not limited to travel, lodging and per diem expense.

(3) Investigation and examination fees are separate, distinct from and in addition to transaction fees imposed by WAC 208-690-150.

Statutory authority: RCW 19.230.320.

PART F ENFORCEMENT

NEW SECTION

WAC 208-690-180 Authority to conduct examinations and investigations. (1) For the purposes of discovering violations of chapter 19.230 RCW or these rules, discovering unsafe and unsound practices, or securing information lawfully required under chapter 19.230 RCW, the director may at any time investigate or examine the business and, wherever located, the books, accounts, records, papers, documents, files, and other information used in the business of every licensee or its authorized delegates, and of every person who is engaged in the business of providing money services, whether the person acts or claims to act under or without the authority of chapter 19.230 RCW. For these purposes the director shall have free access to the offices and places of business, books accounts papers, documents, other information, records, files, safes, and vaults of all such persons. The director may require the attendance of and examine under oath all persons whose testimony may be required about the business or the subject matter of any investigation, examina-

tion or hearing and may require such person to produce books, accounts, papers, documents, records, files and any other information the director declares is relevant to the inquiry. The director may require the production of original books, accounts, papers, documents, records, files, and other information; may require that such original books, accounts, papers, documents, records, files, and other information be copied; or make copies himself or herself of such originals. If the director determines that there is a danger that original records may be destroyed, altered, or removed to deny access, or hinder an examination or investigation, or that original documents are necessary for the preparation of a criminal referral, the director may take possession of originals of any items described in this section, regardless of the source of such items. Originals and copies taken by the director may be held, returned, or forwarded to other regulatory or law enforcement officials as determined necessary by the director. The director may issue a subpoena or subpoena duces tecum requiring attendance or compelling production of the books, accounts, papers, documents, records, files, and other information.

(2) The licensee, applicant, or person subject to licensing under this chapter shall pay the cost of examinations as specified under RCW 19.230.320 and WAC 208-690-170.

(3) Information obtained during an examination or investigation under these rules may be disclosed only as provided in RCW 19.230.190.

(4) The director may retain attorneys, accountants, or other professionals and specialists as examiners, auditors or investigators, to conduct or assist in the conduct or examinations or investigations. The cost of these services shall be borne by the person who is the subject of the examination or investigation.

Statutory authority: RCW 19.230.130.

WSR 04-08-005 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 04-54—Filed March 25, 2004, 8:26 a.m., effective April 16, 2004, 12:01 a.m.]

Date of Adoption: March 24, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900R; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: The Yakama Nation and WDFW are forecasting a total return of 7,900 adult hatchery and 11,300 adult wild spring chinook to the Yakima River in 2004. Approximately 41% of the total run is predicted to be hatchery supplementation fish from the Yakima/Klickitat

fisheries project research hatchery at Cle Elum and are available for sport harvest. State and tribal managers estimate that only 1,800 (9%) of the total run will be wild Naches River fish the weaker of the two wild stocks and not supplemented by hatchery production. Due to the weak run of Naches wild chinook expected this year, all wild fish will be protected from sport harvest. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 16, 2004, 12:01 a.m.

March 24, 2004

J. P. Koenings

Director

by Larry Peck

WSR 04-08-011

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 04-61—Filed March 25, 2004, 2:40 p.m.]

Date of Adoption: March 25, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000Z; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: Harvestable numbers of hatchery salmon are available and impacts to ESA listed fish are expected to be within the guidelines that have been established. The use of short soak times, and recovery boxes will aid in the survival of spring chinook and steelhead that are released. An interim management agreement signed in 2001 provides allocation of ESA impacts to upriver spring chinook to non-Indian fisheries, and Washington and Oregon Fish and Wildlife Commissions have provided guidance on sharing of impacts between commercial and recreational fishers. Impacts in this fishery are consistent with the management agreement and the biological opinion provided by the National Marine Fisheries Service. This rule is consistent with actions of the Columbia River compact of March 25, 2004, and conforms Washington and Oregon state rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 25, 2004

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 232-28-61900R Exceptions to statewide rules—Yakima River. Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. April 16, 2004 through June 15, 2004, in those waters of the Yakima River from the SR 223 Bridge at Granger (river mile 83) to the painted "closed water" boundary line 3,500 feet downstream of Roza Dam (river mile 127.2):

(a) Daily limit of six hatchery chinook, no more than two adults. Minimum size is 12 inches in length.

(b) Night closure in effect for all species.

(c) One, single-pointed, barbless hook with a gap from point to shank of 3/4 inch or less required for all species.

(d) Closed to all fishing within 400 feet upstream of the Yakima Ave./Terrace Heights Road Bridge, including downstream of the Roza Wasteway No. 2 fish barrier rack.

REPEALER

The following section of the Washington Administrative Code is repealed effective June 16, 2004:

WAC 232-28-61900R Exceptions to statewide rules—Yakima River.

NEW SECTION

WAC 220-33-01000A Columbia River gillnet seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is

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unlawful for a person to take or possess salmon, sturgeon, and shad, taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1) Blind Slough/Knappa Slough Select Area

Area: Open waters of Blind Slough extend from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge, downstream to markers at the mouth of Blind Slough. Concurrent Washington/Oregon waters extend downstream of the railroad bridge.

Knappa Slough is open to fishing in all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

a) Gear: 8-inch maximum mesh. Mono-filament gill nets are allowed. Nets restricted to 100 fathoms in length with no weight restriction on leadline.

b) Dates: 7:00 p.m. Thursdays to 7:00 a.m. Fridays April 22 through April 30, 2004

7:00 p.m. Mondays to 7:00 a.m. Tuesdays May 3 until further notice

7:00 p.m. Thursdays to 7:00 a.m. Fridays May 3 until further notice

Both Blind Slough and Knappa Slough are open.

c) Allowable Sale: Salmon, sturgeon, and shad. A maximum of three white sturgeon may be possessed or sold by each participating vessel.

d) Other: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

2) Deep River Select Area

a) Area: Deep River boat launch upstream to the Highway 4 Bridge.

b) Dates: 7:00 p.m. Thursdays to 7:00 a.m. Fridays April 22 through April 30, 2004

7:00 p.m. Mondays to 7:00 a.m. Tuesdays May 3 until further notice

7:00 p.m. Thursdays to 7:00 a.m. Fridays May 3 until further notice

c) Gear: 8-inch maximum mesh size.

d) Allowable sale: salmon, sturgeon, shad.

e) Miscellaneous: Transportation or possession of fish outside the fishing area is unlawful unless by licensed buyer. An exception to the rule would allow fishers to transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

f) Other: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

3) Area: SMCRA 1A, 1B, 1C, and 1D upstream to Kelley Point.

a) Season: 9:00 p.m. Thursday March 25 through 5:00 a.m. Friday March 26, 2004.

b) Gear: 4 1/4 inch maximum mesh. Mesh size is determined by placing three consecutive meshes under hand tension and the measurement is taken from the inside of one vertical knot to the outside of the opposite vertical knot of the center mesh. Hand tension means sufficient linear tension to draw opposing knots into contact. Monofilament

gill nets are not allowed for the 4 1/4 inch mesh. Gill nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat then one lighted buoy on the opposite end of the net from the boat is required. There are no restrictions on the use of slackers or stringers to slacken the net vertically. There are no restrictions on the hang ratio. The hang ratio is used to horizontally add slack to the net. The hang ratio is determined by the length of the web per length of the corkline. Net length not to exceed 150 fathoms, except under the following exceptions: An optional use of a steelhead excluder panel of mesh may be hung between the corkline and the 4 1/4 inch maximum mesh size tangle net. The excluder panel web must be a minimum mesh size of 12 inches when stretched taut under hand tension. Monofilament mesh is allowed for the excluder panel. The excluder panel must be a minimum of 5 feet in depth and not exceed 10 feet in depth as measured from the corkline to the upper margin of the tangle net mesh as the net hangs naturally from a taut corkline. Weedlines or droppers (bobber type) may be used in place of the steelhead excluder panel. A weedline-type excluder means the net is suspended below the corkline by lines of no less than five feet in length between the corkline and the upper margin of the tangle net. A dropper-type excluder means the entire net is suspended below the surface of the water by lines of no less than five feet in length extending from individual surface floats to a submerged corkline. The corkline cannot be capable of floating the net in its entirety (including the leadline) independent of the attached floats. Weedlines or droppers must extend a minimum of 5 feet above the 4 1/4 inch maximum mesh size tangle net. Tangle nets constructed with a steelhead excluder panel, weedlines, or droppers, may extend to a maximum length of 175 fathoms. Tangle nets constructed with a steelhead excluder panel, weedlines, or droppers, must have two red corks at each end of the net, as well as the red corks under miscellaneous regulations.

c) Allowable Sale: Adipose fin-clipped salmon, and sturgeon. An adipose fin-clipped salmon is defined as a hatchery salmon with a clipped adipose fin and having a healed scar at the location of the fin. A maximum of three white sturgeon may be possessed or sold by each participating vessel.

d) Sanctuaries: Grays River, Gnat Creek, Elokomin-B, Abernathy Creek, Cowlitz River, Kalama-B, Lewis-B.

4) Miscellaneous Regulations:

a) At least one fisher on each boat must possess a tangle net certificate issued by either WDFW or ODFW. The certificate must be displayed to WDFW or ODFW employees, fish and wildlife enforcement officers, or other peace officers upon request.

b) Soak times, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

c) Red corks are required at 25 fathom intervals and red corks must be in contrast to the corks used in the remainder of the net.

d) Each boat will be required to have two operable recovery boxes or one box with two chambers, on board.

Each box and chamber shall be operating during any time that the net is being retrieved or picked. The flow in the recovery box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches. Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is a least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to WDFW and ODFW employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river water into each chamber.

e) All non-legal sturgeon, non-adipose fin-clipped salmon, and steelhead must be released immediately to the river with care and the least possible injury to the fish or placed into an operating recovery box.

f) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

g) All fish placed in recovery boxes must be released to the river prior to landing or docking.

h) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

5) Tangle net permit. Any individual meeting the qualifications of RCW 77.65.040(2) may obtain a tangle net certificate by attending and completing a WDFW- or ODFW sponsored workshop concerning live captive commercial fishing techniques. A tangle net certificate shall expire on December 31, 2004. No individual may obtain more than one tangle net certificate between January 1 and December 31, 2004.

6) Nothing in this section sets any precedent for any fishery after the 2004 spring chinook fishery. The fact that an individual may hold a tangle net certificate in spring 2004 does not entitle the certificate holder to participate in any other fishery. If WDFW authorizes a tangle net fishery in spring 2005 or at any other time, WDFW may establish qualifications and requirements that are different from those established for 2004. In particular, WDFW may consider an individual's compliance with these rules in determining that individual's eligibility to participate in any future tangle net fisheries.

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000Z Columbia River gillnet seasons below Bonneville. (04-59)

**WSR 04-08-013
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-60—Filed March 25, 2004, 4:55 p.m., effective April 1, 2004, 12:01 a.m.]

Date of Adoption: March 25, 2004.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900S; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: NOAA Fisheries has approved marked hatchery-origin steelhead fisheries in the Upper Columbia steelhead evolutionary significant unit. This fishery may continue with the modification to the permanent rule. This regulation modification will simplify rules for anglers. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 1, 2004, 12:01 a.m.

March 25, 2004

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900S Exceptions to statewide rules—Columbia River (Ringold Area Bank Fishery) Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provision in the following water:

Columbia River from Waters of the Columbia River adjacent to the Ringold Springs Rearing Facility from WDFW markers 1/4 mile downstream of the Ringold wastewater outlet to WDFW markers 1/2 mile upstream of Spring Creek. - Effective April 1, 2004 through April 15, 2004, open to bank angling only on the hatchery side of the river, to fish for and possess up to two hatchery steelhead per day.

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REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 16, 2004:

WAC 232-28-61900R Exceptions to statewide rules—Columbia River (Ringold Area Bank Fishery)

WSR 04-08-019**EMERGENCY RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed March 29, 2004, 9:32 a.m., effective April 1, 2004]

Date of Adoption: March 23, 2004.

Purpose: The Division of Developmental Disabilities (DDD) has received approval from the federal Centers for Medicare and Medicaid Services (CMS) to implement four home and community based service (HCBS) waivers, which replace the current community alternatives program (CAP) waiver.

These rules delete the CAP waiver from and add new DDD waivers to the definition section (WAC 388-513-1301) and change references from the CAP waiver to the new DDD waivers in WAC 388-513-1315 and 388-515-1510 to make the rules consistent with emergency rules adopted in chapter 388-825 WAC and new chapter 388-845 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 388-513-1301, 388-513-1315, and 388-515-1510.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.120.

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

Reasons for this Finding: The approval of the HCBS waivers by CMS requires the department to implement new rules by April 1, 2004, to protect the health and welfare of eligible clients by ensuring no interruption in services to current participants in the CAP waiver occurs, and to ensure a continuation of federal matching funds under 42 C.F.R. 441, Subpart G—Home and Community Based Services—Waiver Requirements. These changes are necessary for the definitions to coincide with the new terminology.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 3, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Effective Date of Rule: April 1, 2004.

March 23, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-09-052, filed 4/12/02, effective 5/13/02)

WAC 388-513-1301 Definitions related to long-term care (LTC) services. This section defines the meaning of certain terms used in chapters 388-513 and 388-515 WAC. Within these chapters, institutional, waived, and hospice services are referred to collectively as LTC services. Other terms related to LTC services that also apply to other programs are found in the sections in which they are used. Definitions of terms used in certain rules that regulate LTC programs are as follows:

"**Add-on hours**" means additional hours the department purchases from providers to perform medically-oriented tasks for clients who require extra help because of a handicapping condition.

"**Alternate living facility (ALF)**" means one of the following community residential facilities that are contracted with the department to provide certain services:

(1) Adult family home (AFH), a licensed family home that provides its residents with personal care and board and room for two to six adults unrelated to the person(s) providing the care.

(2) Adult residential care facility (ARC) (formerly known as a CCF) is a licensed facility that provides its residents with shelter, food, household maintenance, personal care and supervision.

(3) Adult residential rehabilitation center (ARRC) or Adult residential treatment facility (ARTF), a licensed facility that provides its residents with twenty-four hour residential care for impairments related to mental illness.

(4) Assisted living facility (AL), a licensed facility for aged and disabled low-income persons with functional disabilities. COPES eligible clients are often placed in assisted living.

(5) Division of developmental disabilities (DDD) group home (GH), a licensed facility that provides its residents with twenty-four hour supervision.

(6) Enhanced adult residential care facility (EARC), a licensed facility that provides its residents with those services provided in an ARC, in addition to those required because of the client's special needs.

"**Clothing and personal incidentals (CPI)**" means the same as personal needs allowance (PNA) later in this section.

~~("Community alternatives program (CAP)" means a Medicaid-waivered program that provides home and commu-~~

~~nity-based services as an alternative to an institution for the mentally retarded (ICF-MR) to persons determined eligible for services from DDD-.)~~

"Community options program entry system (COPEs)" means a Medicaid-waivered program that provides an aged or disabled person assessed as needing nursing facility care with the option to remain at home or in an alternate living facility.

"Community spouse (CS)" means a person who does not live in a medical institution or nursing facility, and who is legally married to an institutionalized client or to a person receiving services from home and community-based waiver programs.

"Comprehensive assessment (CA)" means the evaluation process used by a department designated social services worker to determine the client's need for long-term care services.

"Coordinated community AIDS service alternative (CASA)" means a Medicaid-waivered program that provides a person with acquired immune deficiency syndrome (AIDS) or disabled class IV human immunodeficiency virus (HIV) and at risk of hospitalization with the option to remain at home or in an alternate living facility.

"DDD waiver" means Medicaid-waivered programs that provide home and community-based services as an alternative to an intermediate care facility for the mentally retarded (ICF-MR) to persons determined eligible for services from DDD. There are four waivers administered by DDD: Basic, Basic Plus, Core and Community Protection.

"Fair market value (FMV)" means the price an asset may reasonably be expected to sell for on the local market at the time of transfer or assignment. A transfer of assets for love and affection is not considered a transfer for FMV.

"Federal benefit rate (FBR)" means the basic benefit amount the social security administration (SSA) pays to clients who are eligible for the supplemental security income (SSI) program.

"Institutional services" means services paid for by Medicaid or state payment and provided in a nursing facility or equivalent care provided in a medical facility.

"Institutional status" means what is described in WAC 388-513-1320.

"Institutionalized client" means a client who has attained institutional status as described in WAC 388-513-1320.

"Institutionalized spouse" means a client who has attained institutional status as described in WAC 388-513-1320 and is legally married to a person who is not an institutionalized client.

"Legally married" means persons legally married to each other under provision of Washington state law. Washington recognizes other states' legal and common-law marriages. Persons are considered married if they are not divorced, even when they are physically or legally separated.

"Likely to reside" means there is a reasonable expectation the client will remain in a medical facility for thirty consecutive days. Once made, the determination stands, even if the client does not actually remain in the facility for that length of time.

"Look-back period" means the number of months prior to the month of application for LTC services that the department will consider for transfer of assets.

"Maintenance needs amount" means a monthly income amount a client keeps or that is allocated to a spouse or dependent family member who lives in the client's home.

"Medically intensive children (MIC)" program means a Medicaid-waivered program that enables medically fragile children under age eighteen to live in the community. The program allows them to obtain medical and support services necessary for them to remain at home or in a home setting instead of in a hospital. Eligibility is included in the OBRA program described in WAC 388-515-1510.

"Noninstitutional medical assistance" means medical benefits provided by Medicaid or state-funded programs that do not include LTC services.

"Nursing facility turnaround document (TAD)" means the billing document nursing facilities use to request payment for institutionalized clients.

"Outward bound residential alternative (OBRA)" means a Medicaid-waivered program that provides a person approved for services from DDD with the option to remain at home or in an alternate living facility.

"Participation" means the amount a client is responsible to pay each month toward the total cost of care they receive each month. It is the amount remaining after subtracting allowable deductions and allocations from available monthly income.

"Penalty period" means a period of time for which a client is not eligible to receive LTC services.

"Personal needs allowance (PNA)" means a standard allowance for clothing and other personal needs for clients who live in a medical or alternate living facility. This allowance is sometimes referred to as "CPI."

"Prouty benefits" means special "age seventy-two" Social Security benefits available to persons born before 1896 who are not otherwise eligible for Social Security.

"Short stay" means a person who has entered a medical facility but is not likely to remain institutionalized for thirty consecutive days.

"Special income level (SIL)" means the monthly income standard for the categorically needy (CN) program that is three hundred percent of the SSI federal benefit rate (FBR).

"Swing bed" means a bed in a medical facility that is contracted as both a hospital and a nursing facility bed.

"Transfer of a resource or asset" means any act or failure to act, by a person or a nonapplying joint tenant, whereby title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person.

"Uncompensated value" means the fair market value (FMV) of an asset at the time of transfer minus the value of compensation the person receives in exchange for the asset.

"Undue hardship" means the person is not able to meet shelter, food, clothing, or health needs.

"Value of compensation received" means the consideration the purchaser pays or agrees to pay. Compensation includes:

(1) All money, real or personal property, food, shelter, or services the person receives under a legally enforceable purchase agreement whereby the person transfers the asset; and

(2) The payment or assumption of a legal debt the seller owes in exchange for the asset.

"Veterans benefits" means different types of benefits paid by the federal Department of Veterans Affairs (VA). Some may include additional allowances for:

(1) Aid and attendance for an individual needing regular help from another person with activities of daily living;

(2) "Housebound" for an individual who, when without assistance from another person, is confined to the home;

(3) Improved pension, the newest type of VA disability pension, available to veterans and their survivors whose income from other sources (including service connected disability) is below the improved pension amount; or

(4) Unusual medical expenses (UME), determined by the VA based on the amount of unreimbursed medical expenses reported by the person who receives a needs-based benefit. The VA can use UME to reduce countable income to allow the person to receive a higher monthly VA payment, a one-time adjustment payment, or both.

"Waivered programs/services" means programs for which the federal government authorizes exceptions to Medicaid rules. Such programs provide to an eligible client a variety of services not normally covered under Medicaid. In Washington state, waived programs are ((CAP)) DDD waivers, CASA, COPES, MIC, and OBRA.

AMENDATORY SECTION (Amending WSR 00-01-051, filed 12/8/99, effective 1/8/00)

WAC 388-513-1315 Eligibility for long-term care (institutional, waived, and hospice) services. This section describes how the department determines a client's eligibility for institutional, waived, or hospice services under the categorically needy (CN) program and institutional or hospice services under the medically needy (MN) program. Also described are the eligibility requirements for these services under the general assistance (GA) program in subsection (11) and emergency medical programs described in subsections (10) and (12).

(1) To be eligible for long-term care (LTC) services described in this section, a client must:

(a) Meet the general eligibility requirements for medical programs described in WAC 388-503-0505 (2) and (3)(a) through (f);

(b) Attain institutional status as described in WAC 388-513-1320; and

(c) Not be subject to a penalty period of ineligibility as described in WAC 388-513-1365 and 388-513-1366.

(2) To be eligible for institutional, waived, or hospice services under the CN program, a client must either:

(a) Be related to the Supplemental Security Income (SSI) program as described in WAC 388-503-0510(1) or be approved for the general assistance expedited Medicaid disability (GA-X) program; and

(b) Meet the following financial requirements, by having:

(i) Gross nonexcluded income described in subsection (7)(a) that does not exceed the special income level (SIL); and

(ii) Nonexcluded resources described in subsection (6) that do not exceed the resource standard described in WAC 388-513-1350(1), unless subsection (3) applies; or

(c) Be eligible for the CN children's medical program as described in WAC 388-505-0210; or

(d) Be eligible for the temporary assistance for needy families (TANF) program or state family assistance (SFA) program as described in WAC 388-505-0220.

(3) The department allows a client to have nonexcluded resources in excess of the standard described in WAC 388-513-1350(1) during the month of either an application or eligibility review if, when excess resources are added to nonexcluded income, the combined total does not exceed the SIL.

(4) To be eligible for waived or hospice services, a client must also meet the program requirements described in:

(a) WAC 388-515-1505 for COPES services;

(b) WAC 388-515-1510 for ((CAP)) DDD waiver and OBRA services; or

(c) ((WAC 388-515-1530 for CASA services; or

~~(d)~~) Chapter 388-551 WAC for hospice services.

(5) To be eligible for institutional or hospice services under the MN program, a client must be:

(a) Eligible for the MN children's medical program as described in WAC 388-505-0210; or

(b) Related to the SSI program as described in WAC 388-503-0510(1) and meet all requirements described in WAC 388-513-1395.

(6) To determine resource eligibility for an SSI-related client under the CN or MN program, the department:

(a) Considers resources available as described in WAC 388-513-1350;

(b) Excludes resources described in WAC 388-513-1360, 388-513-1365, and 388-513-1366; and

(c) Compares the nonexcluded resources to the standard described in WAC 388-513-1350(1).

(7) To determine income eligibility for an SSI-related client under the CN or MN program, the department:

(a) Considers income available as described in WAC 388-513-1325 and 388-513-1330;

(b) Excludes income for CN and MN programs as described in WAC 388-513-1340;

(c) Disregards income for the MN program as described in WAC 388-513-1345; and

(d) Follows program rules for the MN program as described in WAC 388-513-1395.

(8) A client who meets the requirements of the CN program is approved for a period of up to twelve months for:

(a) Institutional services in a medical facility;

(b) Waivered services at home or in an alternate living facility; or

(c) Hospice services at home or in a medical facility.

(9) A client who meets the requirements of the MN program is approved for a period of months described in WAC 388-513-1395 (5)(a)(ii) for:

(a) Institutional services in a medical facility; or

(b) Hospice services at home or in a medical facility.

(10) The department determines eligibility for LTC services under the alien emergency medical (AEM) program described in WAC 388-438-0110 for a client who meets all other requirements for such services but does not meet citizenship requirements.

(11) The department determines eligibility for institutional services under the GA program described in WAC 388-448-0001 for a client who meets all other requirements for such services but is not eligible for programs described in subsections (8) through (10).

(12) The department determines eligibility for institutional services under the medically indigent program described in WAC 388-438-0100 for a client who meets all other requirements for such services but is not eligible for programs described in subsections (8) through (11).

(13) A client is eligible for Medicaid as a resident in a psychiatric facility, if the client:

(a) Has attained institutional status as described in WAC 388-513-1320; and

(b) Is less than twenty-one years old or is at least sixty-five years old.

(14) The department determines a client's eligibility as it does for a single person when the client's spouse has already been determined eligible for LTC services.

(15) The department considers the parents' income and resources available as described in WAC 388-405-0055 (1)(c) for a minor who is less than eighteen years old and is receiving or is expected to receive inpatient chemical dependency and/or inpatient mental health treatment.

(16) The department considers the parents' income and resources available only as contributed for a client who is less than twenty-one years old and has attained institutional status as described in WAC 388-513-1320

(17) The department determines a client's participation in the cost of care for LTC services as described in WAC 388-513-1380.

AMENDATORY SECTION (Amending WSR 01-02-052, filed 12/28/00, effective 1/28/01)

WAC 388-515-1510 (~~Community alternatives program (CAP))~~ **Division of developmental disabilities (DDD) waivers and outward bound residential alternatives (OBRA)**. This section describes the eligibility requirements for (~~waivered~~) waiver services under the (~~CAP~~) four DDD waivers and OBRA programs and the rules used to determine a client's participation in the cost of care.

(1) The four DDD waivers are:

(a) Basic,

(b) Basic Plus,

(c) Core, and

(d) Community protection.

(2) The department establishes eligibility for (~~CAP~~) DDD waivers and OBRA services for a client who:

(a) Is both Medicaid eligible under the categorically needy (CN) program and meets the requirements for services provided by the division of developmental disabilities (DDD);

(b) Has attained institutional status as described in WAC 388-513-1320;

(c) Has been assessed as requiring the level of care provided in an intermediate care facility for the mentally retarded (ICF/IMR);

(d) Has a department-approved plan of care that includes support services to be provided in the community;

(e) Is able to reside in the community according to the plan of care and chooses to do so;

(f) Meets the income and resource requirements described in subsection (~~(2))~~(3); and

(g) For the OBRA program only, the client must be a medical facility resident at the time of application.

(~~(2))~~ (3) The department allows a client to have nonexcluded resources in excess of the standard described in WAC 388-513-1350(1) during the month of either an application or eligibility review if, when excess resources are added to nonexcluded income, the combined total does not exceed the special income level (SIL). Refer to WAC 388-513-1315 for rules used to determine nonexcluded income and resources. During other months, financial requirements include the following:

(a) Nonexcluded income must be at or below the SIL; and

(b) Nonexcluded resources not allocated to participation in a prior month must be at or below the resource standard.

(~~(3))~~ (4) A client who is eligible for supplemental security income (SSI) does not participate in the cost of care for (~~CAP~~) DDD waivers or OBRA services.

(~~(4))~~ (5) An SSI-related client retains a maintenance needs amount of up to the SIL, who is:

(a) Living at home; or

(b) Living in an alternate living facility described in WAC 388-513-1305(1).

(~~(5))~~ (6) A client described in subsection (~~(4))~~(5)(b) retains the greater of:

(a) The SSI grant standard; or

(b) An amount equal to a total of the following:

(i) A personal needs allowance (PNA) of thirty-eight dollars and eighty-four cents; plus

(ii) The facility's monthly rate for board and room, which the client pays to the facility; plus

(iii) The first twenty dollars of monthly earned or unearned income; and

(iv) The first sixty-five dollars plus one-half of the remaining earned income not previously excluded.

(~~(6))~~ (7) If a client has a spouse in the home who is not receiving (~~CAP~~) DDD waivers or OBRA services, the department allocates the client's income in excess of the amounts described in subsections (~~(4) and (5))~~ (5) and (6) as an additional maintenance needs amount in the following order:

(a) One for the spouse, as described in WAC 388-513-1380 (7)(b); and

(b) One for any other dependent family member in the home, as described in WAC 388-513-1380 (7)(c).

(~~(7))~~ (8) A client's participation in the cost of care for (~~CAP~~) DDD waivers or OBRA services is the client's income:

(a) That exceeds the amounts described in subsections (~~(4), (5), and (6))~~ (5), (6) and (7); and

(b) Remains after deductions for medical expenses not subject to third-party payment for which the client remains liable, included in the following:

- (i) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and
- (ii) Necessary medical care recognized under state law but not covered by Medicaid.

WSR 04-08-020
EMERGENCY RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed March 29, 2004, 9:34 a.m., effective April 1, 2004]

Date of Adoption: March 23, 2004.

Purpose: The Division of Developmental Disabilities has received approval from the federal Centers for Medicare and Medicaid Services (CMS) to implement four home and community based service (HCBS) waivers, which replace the current community alternatives program (CAP) waiver.

These rules will clarify eligibility, service array, utilization, provider qualifications, client appeal rights and access to services.

Rules affected are: Amending WAC 388-825-120; new WAC 388-825-125 through 388-825-160, 388-825-300 through 388-825-405, chapter 388-845 WAC; and repealing WAC 388-825-170, 388-825-180, 388-825-190, and 388-825-260 through 388-825-284.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-825-170, 388-825-180, 388-825-190, 388-825-260, 388-825-262, 388-825-264, 388-825-266, 388-825-268, 388-825-270, 388-825-272, 388-825-276, 388-825-278, 388-825-280, 388-825-282, and 388-825-294; and amending WAC 388-825-120.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.120.

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

Reasons for this Finding: The approval of the HCBS waivers by CMS requires the department to implement new rules by April 1, 2004, to protect the health and welfare of eligible clients by ensuring no interruption in services to current participants in the CAP waiver occurs, and to ensure a continuation of federal matching funds under 42 C.F.R. 441, Subpart G—Home and Community Based Services—Waiver Requirements.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 133, Amended 1, Repealed 15; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 133, Amended 1, Repealed 15.

Effective Date of Rule: April 1, 2004.

March 23, 2004

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-10 issue of the Register.

WSR 04-08-026
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-65—Filed March 29, 2004, 4:03 p.m.]

Date of Adoption: March 29, 2004.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000A; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: Harvestable numbers of hatchery salmon are available and impacts to ESA listed fish are expected to be within the guidelines that have been established. The use of short soak times, and recovery boxes will aid in the survival of spring chinook and steelhead that are released. An interim management agreement signed in 2001 provides allocation of ESA impacts to upriver spring chinook to non-Indian fisheries, and Washington and Oregon Fish and Wildlife Commissions have provided guidance on sharing of impacts between commercial and recreational fishers. Impacts in this fishery are consistent with the management agreement and the biological opinion provided by the National Marine Fisheries Service. This rule is consistent with actions of the Columbia River compact of March 29, 2004, and conforms Washington and Oregon state rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 29, 2004

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-33-0100B Columbia River gillnet seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, sturgeon, and shad, taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1) Blind Slough/Knappa Slough Select Area

Area: Open waters of Blind Slough extend from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge, downstream to markers at the mouth of Blind Slough. Concurrent Washington/Oregon waters extend downstream of the railroad bridge.

Knappa Slough is open to fishing in all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

a) Gear: 8-inch maximum mesh. Mono-filament gill nets are allowed. Nets restricted to 100 fathoms in length with no weight restriction on leadline.

b) Dates:

7:00 p.m. Thursdays to 7:00 a.m. Fridays April 22 through April 30, 2004

7:00 p.m. Mondays to 7:00 a.m. Tuesdays May 3 until further notice

7:00 p.m. Thursdays to 7:00 a.m. Fridays May 3 until further notice

Both Blind Slough and Knappa Slough are open.

c) Allowable Sale: Salmon, sturgeon, and shad. A maximum of three white sturgeon may be possessed or sold by each participating vessel.

d) Other: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

2) Deep River Select Area

a) Area: Deep River boat launch upstream to the Highway 4 Bridge.

b) Dates:

7:00 p.m. Thursdays to 7:00 a.m. Fridays April 22 through April 30, 2004

7:00 p.m. Mondays to 7:00 a.m. Tuesdays May 3 until further notice

7:00 p.m. Thursdays to 7:00 a.m. Fridays May 3 until further notice

c) Gear: 8-inch maximum mesh size.

d) Allowable sale: salmon, sturgeon, shad.

e) Miscellaneous: Transportation or possession of fish outside the fishing area is unlawful unless by licensed buyer. An exception to the rule would allow fishers to transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

f) Other: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

3) Area: SMCRA 1A, 1B, 1C, and 1D upstream to Kelley Point.

a) Season: 7:00 p.m. Monday March 29 through 5:00 a.m. Tuesday March 30, 2004.

b) Gear: 4 1/4 inch maximum mesh. Mesh size is determined by placing three consecutive meshes under hand tension and the measurement is taken from the inside of one vertical knot to the outside of the opposite vertical knot of the center mesh. Hand tension means sufficient linear tension to draw opposing knots of meshes into contact. Monofilament gill nets are not allowed for the 4 1/4 inch mesh. Gill nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat then one lighted buoy on the opposite end of the net from the boat is required. There are no restrictions on the use of slackers or stringers to slacken the net vertically. There are no restrictions on the hang ratio. The hang ratio is used to horizontally add slack to the net. The hang ratio is determined by the length of the web per length of the corkline. Net length not to exceed 150 fathoms, except under the following exceptions: An optional use of a steelhead excluder panel of mesh may be hung between the corkline and the 4 1/4 inch maximum mesh size tangle net. The excluder panel web must be a minimum mesh size of 12 inches when stretched taut under hand tension. Monofilament mesh is allowed for the excluder panel. The excluder panel must be a minimum of 5 feet in depth and not exceed 10 feet in depth as measured from the corkline to the upper margin of the tangle net mesh as the net hangs naturally from a taut corkline. Weedlines or droppers (bobber type) may be used in place of the steelhead excluder panel. A weedline-type excluder means the net is suspended below the corkline by lines of no less than five feet in length between the corkline and the upper margin of the tangle net. A dropper-type excluder means the entire net is suspended below the surface of the water by lines of no less than five feet in length extending from individual surface floats to a submerged corkline. The corkline cannot be capable of floating the net in its entirety (including the leadline) independent of the attached floats. Weedlines or droppers must extend a minimum of 5 feet above the 4 1/4 inch maximum mesh size tangle net. Tangle nets constructed with a steelhead excluder panel, weedlines, or droppers, may extend to a maximum length of 175 fathoms. Tangle nets constructed with a steel-

head excluder panel, weedlines, or droppers, must have two red corks at each end of the net, as well as the red corks under miscellaneous regulations.

c) Allowable Sale: Adipose fin-clipped salmon, and sturgeon. An adipose fin-clipped salmon is defined as a hatchery salmon with a clipped adipose fin and having a healed scar at the location of the fin.

d) Sanctuaries: Grays River, Gnat Creek, Elokomin-B, Abernathy Creek, Cowlitz River, Kalama-B, Lewis-B.

4) Miscellaneous Regulations:

a) At least one fisher on each boat must possess a tangle net certificate issued by either WDFW or ODFW. The certificate must be displayed to WDFW or ODFW employees, fish and wildlife enforcement officers, or other peace officers upon request.

b) Soak times, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

c) Red corks are required at 25 fathom intervals and red corks must be in contrast to the corks used in the remainder of the net.

d) Each boat will be required to have two operable recovery boxes or one box with two chambers, on board. Each box and chamber shall be operating during any time that the net is being retrieved or picked. The flow in the recovery box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches. Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to WDFW and ODFW employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river water into each chamber.

e) All non-legal sturgeon, non-adipose fin-clipped salmon, and steelhead must be released immediately to the river with care and the least possible injury to the fish or placed into an operating recovery box.

f) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

g) All fish placed in recovery boxes must be released to the river prior to landing or docking.

h) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

5) Tangle net permit. Any individual meeting the qualifications of RCW 77.65.040(2) may obtain a tangle net certificate by attending and completing a WDFW- or ODFW sponsored workshop concerning live captive commercial fishing techniques. A tangle net certificate shall expire on December

31, 2004. No individual may obtain more than one tangle net certificate between January 1 and December 31, 2004.

6) Nothing in this section sets any precedent for any fishery after the 2004 spring chinook fishery. The fact that an individual may hold a tangle net certificate in spring 2004 does not entitle the certificate holder to participate in any other fishery. If WDFW authorizes a tangle net fishery in spring 2005 or at any other time, WDFW may establish qualifications and requirements that are different from those established for 2004. In particular, WDFW may consider an individual's compliance with these rules in determining that individual's eligibility to participate in any future tangle net fisheries.

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000A Columbia River gillnet seasons below Bonneville. (04-61)

**WSR 04-08-037
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-66—Filed March 30, 2004, 4:31 p.m.]

Date of Adoption: March 30, 2004.

Purpose: Amend commercial rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-72-011, 220-72-089, and 220-72-090.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: The confirmation of this disease into additional areas requires further prompt action to halt and/or minimize the further spread of the disease. These rules are interim until permanent rules take effect.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

March 30, 2004

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-72-01100B Oyster drill restricted shellfish areas—Puget Sound. Notwithstanding the provisions of WAC 220-72-011, effective immediately until further notice, all waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands of Puget Sound within the following areas are designated as oyster drill restricted shellfish areas:

(1) Carr Inlet -

(a) Burley Lagoon—inside and northerly of the Purdy bridge.

(b) Minter Creek—inside and westerly of a line projected from:

Point No. 1 from Key Peninsula mainland at 122°41'00"W Long. due south to

Point No. 2 at 47°21'00"N. Lat.

122°41'00"W. Long. thence projected true west to shore.

NEW SECTION

WAC 220-72-08900C Denman Island Disease prohibited area. Notwithstanding the provisions of WAC 220-72-089, effective immediately until further notice, an area where *Mikrocytos mackini*, the causative agent of Denman Island Disease, has been confirmed in designated as a Denman Island Disease prohibited area. This label applies to all waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands. The following areas are designated as Denman Island Disease prohibited areas:

(1) Strait of Juan de Fuca, Dungeness Bay—inside and westerly of a line projected from the tip of Dungeness Spit due south to the mainland.

(2) Orcas Island,

(a) Deer Harbor—inside and northerly of a line projected between Pole Pass Point and Steep Point.

(b) West Sound—inside and northerly of a line projected between Caldwell Point and the most southerly point of land west of the community of Orcas.

(c) East Sound—inside and northerly of a line projected between Diamond Point and the most south-westerly point on Orcas Island at Obstruction Pass.

(3) Westcott Bay—inside and westerly of a line projected between the most southerly point of White Point and the most northerly point of Delacombe Point.

(4) Bellingham and Samish Bays - southerly and inside of a line projected between Lummi Point and Gooseberry

Point and easterly and inside of line projected between Carter Point and William Point.

(5) Minter Creek—inside and westerly of a line projected from:

Point No. 1 from the mainland at 122°41'00"W Long. due south to

Point No. 2 at 47°21'00"N. Lat.

122°41'00"W. Long. thence to

Point No. 3 at 47°21'00"N. Lat. where it reaches the mainland.

(6) McMicken Island - inside and westerly of a line projected between Dougall Point and Wilson Point.

(7) Oakland Bay - inside and northerly of a line projected across Oakland Bay at 47°14'30"N. Lat. and inside and southerly of a line projected from:

Point No. 1 from the mainland on the west side of Oakland Bay at 47°15'00 due east to

Point No. 2 at 47°15'00"N. Lat.

123°04'00"W. Long. thence to

Point No. 3 at 123°04'00"N. Lat. where it reaches the mainland.

NEW SECTION

WAC 220-72-09000C Denman Island Disease surveillance area. Notwithstanding the provisions of WAC 220-72-090, effective immediately until further notice, all waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands within the following areas are designated as Denman Island Disease surveillance areas:

(a) North Puget Sound, Strait of Juan de Fuca and San Juan Islands—easterly of a line projected true north of Cape Flattery to the international boundary line, northerly of a line projected from the northern most tip of Tala Point to the western most tip of Foulweather Bluff, and northerly of a line projected from the eastern most point of Apple Cove Point to the western most point of Edwards Point.

(b) South Puget Sound—inside and southerly of the Tacoma Narrows Bridge.

WSR 04-08-038

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 04-64—Filed March 30, 2004, 4:33 p.m., effective April 10, 2004, 12:01 a.m.]

Date of Adoption: March 30, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600J and 220-52-04600M; and amending WAC 220-52-046.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Special management area requirement can be eased to accommodate nontribal fishers. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 10, 2004, 12:01 a.m.

March 30, 2004

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-04600M Crab fishery—Special management area. Notwithstanding the provisions of WAC 220-52-046, effective immediately until further notice, it is unlawful for non-Indian commercial fishers to fish for or take crab for commercial purposes, or place gear, in the following areas except as provided.

(1) Effective 12:01 a.m. April 10, 2004 through 11:59 p.m. May 31, the following area will open to non-Indian crab fishers.

a) Coastal waters between 47° 40.50'N (Destruction Island) and 47° 58.00'N (Cape Johnson), and east of a line described by the following points:

Southwest corner: 47° 40.50'N 124° 40.00'W

Northwest corner: 47° 58.00'N 124° 49.00'W

(2) Persons choosing to fish in this area are limited to using, operating, or controlling no more than an aggregate total of 100 shellfish pots or ring nets per vessel per license.

(3) Fishers intending to fish in this area must pre-register with the Washington Department of Fish and Wildlife 48 hours in advance of deploying gear. Subsequent to initial deployment additional notification is required with 48 hour advance notice if the amount of gear deployed will be reduced and by what amount, or if deployment will be increased if initial deployment was less than 100 pots. Registration will include: the name of the person controlling the gear; the amount of gear being deployed; the vessel name; and the buoy brand identification data. Registration must be given by one of the following three means:

(a) Fax transmission to (360) 664-0689;

(b) E-mail to reedhjr@dfw.wa.gov; or

(c) Telephone to (360) 249-4628 ext 202

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 10, 2004.

WAC 220-52-04600J Crab fishery—Special management area. (04-34)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 1, 2004.

WAC 220-52-04600M Crab fishery—Special management area.

WSR 04-08-049

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 04-62—Filed April 1, 2004, 2:37 p.m., effective April 15, 2004, 12:01 a.m.]

Date of Adoption: April 1, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900T; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: This regulation is necessary to assure a safe and successful Fishing Kids event. The fish will be planted two days prior to the event to better acclimate them before the event. Several thousand fish will be placed into netted areas along the shoreline of this pond. On the day of the event preregistered kids will be allowed to fish in these netted areas. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: April 15, 2004, 12:01 a.m.
April 1, 2004
J. P. Koenings
Director
by Larry Peck

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 5, 2004
Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900T Exceptions to statewide rules—Klineline Pond (Clark Co.) Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. April 15, 2004 through 11:59 p.m. April 17, 2004, it is unlawful to fish in those waters of Klineline Pond, except open to fishing 7:00 a.m. through 1:45 p.m. April 17, 2004 to juvenile anglers.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 18, 2004:

WAC 232-28-61900T Exceptions to statewide rules—Klineline Pond (Clark Co.)

NEW SECTION

WAC 232-12-31500L Emergency for custody or destruction of dogs harassing deer or elk. Effective immediately until further notice, an emergency is declared in the following Washington State Counties and it is lawful for Fish and Wildlife Officers to take into custody or destroy, if necessary, any dog that is pursuing, harassing, attacking or killing deer or elk.

- (1) Chelan County
- (2) Douglas County
- (3) Ferry County
- (4) Kitittas County
- (5) Okanogan County
- (6) Pend Oreille County
- (7) Spokane County
- (8) Stevens County
- (9) Yakima County

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-12-31500K Emergency for custody or destruction of dogs harassing deer or elk. (03-300)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 4, 2004:

WAC 232-12-31500L Emergency for custody or destruction of dogs harassing deer or elk.

**WSR 04-08-082
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE**

[Filed April 6, 2004, 9:22 a.m.]

Date of Adoption: April 6, 2004.

Purpose: This rule-making order adds WAC 16-470-750, 16-470-755, 16-470-760, 16-470-765, 16-470-770, and 16-470-775 to chapter 16-470 WAC by establishing a quarantine for *Phytophthora ramorum*, a fungal-like pathogen which causes a plant disease often called sudden oak death.

**WSR 04-08-065
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-71—Filed April 5, 2004, 3:11 p.m.]

Date of Adoption: April 5, 2004.

Purpose: Amend wildlife rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-12-31500K and 232-12-31500L; and amending WAC 232-12-315.

Statutory Authority for Adoption: RCW 77.12.047.

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

Reasons for this Finding: Weather conditions have forced deer and elk to lower elevations, where harassment by dogs has been observed. In order to protect deer and elk, it is necessary to allow officers into custody, and if necessary destroy dogs. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

EMERGENCY

Movement into Washington state from California of plants of host species and soil and potting mix associated with host species is prohibited, unless conditions specified in rule have been met. Advance notification of shipments and a phytosanitary certificate from the official state or federal certifying agency must accompany each shipment of regulated articles. Additional restrictions for cultures and live material of the pathogen are enacted.

Statutory Authority for Adoption: Chapters 17.24 and 15.13 RCW.

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

Reasons for this Finding: The intrusion into this state of the nonnative, invasive plant pest species *Phytophthora ramorum* on or in association with horticultural plants is of grave and immediate concern. To date, extensive survey and testing has not identified this pathogen in Washington, except in confined nursery environments. *Phytophthora ramorum* infestations have recently been identified at a major California nursery, from which significant amounts of stock were and continue to be shipped into Washington state. The primary shipping season for nursery stock is now, and risk of entry of this pathogen is urgent. This rule is being adopted to protect the economic well-being of the agricultural, forest, horticultural, and floricultural industries, and the environmental quality and natural resources of the state.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 6, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

April 6, 2004
Valoria H. Loveland
Director

PHYTOPHTHORA RAMORUM QUARANTINE

NEW SECTION

WAC 16-470-750 Establishing quarantine for *Phytophthora ramorum*. *Phytophthora ramorum* is a nonnative, invasive fungal-like pathogen that causes sudden oak death disease in some oak species and severe canker, blight or twig dieback in numerous other plant genera. The pathogen is

capable of spreading through multiple pathways, including infected host species in nursery stock. Known infestations have occurred in Washington in a few sites, all of which have been contained. Known infestations have recently been found in nursery stock shipped into Washington and many other states from at least one major producer in California. If allowed to become widely established in Washington, *Phytophthora ramorum* could have a devastating economic impact on the agriculture and forestry industries of the state and could endanger the environmental quality, native plant populations, and natural resources of the state. The director of agriculture, pursuant to chapters 17.24 and 15.13 RCW, has determined that the regulation and exclusion of host species, associated soil and potting mix, and cultures of *Phytophthora ramorum* itself, is necessary to protect the agricultural crops, economic health and environmental quality of the state.

NEW SECTION

WAC 16-470-755 *Phytophthora ramorum*—Area under quarantine. The entire state of California is the area under quarantine.

NEW SECTION

WAC 16-470-760 *Phytophthora ramorum*—Regulated articles. All of the following are designated regulated articles:

(1) All plants of the following species:

Abies grandis	Pieris floribunda x japonica	Rubus spectabilis
Acer macrophyllum	Pieris formosa	Sequoia sempervirens
Aesculus californica	Pieris formosa x japonica	Syringa vulgaris
Aesculus hippocastanum	Pieris formosa var. forrestii	Taxus baccata
Arbutus menziesii	Pieris formosa var. forrestii x Pieris japonica	Toxicodendron diversiloba
Arbutus unedo	Pieris x japonica	Trientalis latifolia
Arctostaphylos manzanita	Pittosporum undulatum	Umbellularia californica
Camellia japonica	Pseudotsuga menziesii	Vaccinium ovatum
Camellia reticulata	Quercus agrifolia	Vaccinium vitis-idaea
Camellia sasanqua	Quercus chrysolepis	Viburnum x bodnantense
Camellia x williamsii	Quercus falcata	Viburnum x burkwoodii
Castanea sativa	Quercus ilex	Viburnum x carlcephalum x V. utile

EMERGENCY

Corylus cornuta	Quercus kelloggii	Viburnum x pragense
Fagus sylvatica	Quercus parvula v. shrevei	Viburnum davidii
Hamamelis virginiana	Quercus rubra	Viburnum farreri (= V. fragrans)
Heteromeles arbutifolia	Quercus sativa	Viburnum lantana
Kalmia latifolia	Rhamnus californica	Viburnum opulus
Leucothoe fontanesiana	Rhamnus purshiana	Viburnum plicatum var. tomentosum
Lithocarpus densiflorus	Rhododendron spp.	Viburnum tinus
Lonicera hispidula	Rosa gymnocarpa	

other disposition in a manner prescribed by the department. Any such action will be at the expense of the owner or owner's agent and without compensation.

NEW SECTION

WAC 16-470-775 *Phytophthora ramorum*—Special permits. The department may issue special permits for entry of regulated articles otherwise prohibited in WAC 16-470-750 through 16-470-775. Requests for permits shall be addressed to: Nursery Inspection Program Supervisor, Plant Protection Division, Washington State Department of Agriculture, 1111 Washington St. SE, P.O. Box 42560, Olympia, WA 98504-2560; fax 360-902-2094; e-mail: nursery@agr.wa.gov.

(2) Soil and potting mixes that:

(a) Are associated with shipments of regulated articles designated in subsection (1) of this section, including incidental mud and soil on pots, means of conveyance, pallets, and other shipping materials; or

(b) Have been within five feet of a *Phytophthora ramorum* infected plant or from an infected site.

(3) All cultures and live material of *Phytophthora ramorum*.

NEW SECTION

WAC 16-470-765 *Phytophthora ramorum*—Notification requirements and restrictions. (1) All shipments of regulated articles specified in WAC 16-470-760 (1) or (2) must be accompanied by a certificate issued by an authorized state or federal regulatory official from the state of origin certifying that the commodity and associated soil or potting mix is free of *Phytophthora ramorum*.

(2) All shipments of regulated articles specified in WAC 16-470-760(3) are prohibited unless accompanied by a special permit issued by the department pursuant to WAC 16-470-775.

(3) Persons shipping any regulated article specified in WAC 16-470-760 into this state from the area under quarantine shall notify the department's plant services program in advance of the shipment. Notification shall consist of transmitting a copy of the certificate designated in subsection (1) of this section to: Nursery Inspection Program Supervisor, Plant Protection Division, Washington State Department of Agriculture, 1111 Washington St. SE, P.O. Box 42560, Olympia, WA 98504-2560; fax 360-902-2094; e-mail: nursery@agr.wa.gov.

NEW SECTION

WAC 16-470-770 *Phytophthora ramorum*—Disposal of articles regulated under this quarantine. Any regulated articles that are in violation of this *Phytophthora ramorum* quarantine are subject to destruction, shipment out-of-state or

EMERGENCY

WSR 04-08-015
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE
 [Memorandum—March 25, 2004]

The board of trustees of Bates Technical College will meet in special session on March 31, 2004, from 3:00 p.m. to approximately 5:00 p.m. in the President's Conference Room, 1101 South Yakima Avenue, Tacoma, for the purpose of the board retreat.

WSR 04-08-016
NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY
 [Memorandum—March 26, 2004]

Pursuant to RCW 42.30.075, Western Washington University's board of trustees at their March 18, 2004, special meeting canceled the April 9, 2004, regular meeting and added a regular meeting to be held April 19, 2004, starting at 9:00 a.m. Location of the meeting is Everett Community College, 2000 Tower Street, Olympus 205, Everett, WA.

If you have any questions regarding this meeting, please contact Suzanne Baker at (360) 650-3117.

WSR 04-08-022
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—March 29, 2004]

**Services and Activities Fee
 Committee Meeting**
MEETING NOTICE
Monday April 19, 2004
2:30-4:30 p.m.
Ethnic Cultural Center

Other information: If any member cannot attend the meeting, please notify Kelly Langager, 543-1041 or kekelang@u.washington.edu prior to the meeting.

WSR 04-08-023
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—March 29, 2004]

**Services and Activities Fee
 Committee Meeting**
MEETING NOTICE
Monday May 10, 2004
2:30-4:30 p.m.
HUB 209B

Other information: If any member cannot attend the meeting, please notify Kelly Langager, 543-1041 or kekelang@u.washington.edu, prior to the meeting.

WSR 04-08-024
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—March 29, 2004]

**Services and Activities Fee
 Committee Meeting**
MEETING NOTICE
Monday May 24, 2004
2:30-4:30 p.m.
HUB 200ABC

Other information: If any member cannot attend the meeting, please notify Kelly Langager, 543-1041 or kekelang@u.washington.edu, prior to the meeting.

WSR 04-08-027
NOTICE OF PUBLIC MEETINGS
**SELECT COMMITTEE
 ON PENSION POLICY**
 [Memorandum—March 29, 2004]

**Select Committee on Pension Policy
 Full Committee meetings:**

April 20, 2004

Senate Hearing Room 4
 10:00 a.m. - 12:30 p.m.

May 18, 2004

Senate Hearing Room 4 and Conference Rooms A-B-C
 10:00 a.m. - 4:00 p.m.

**Select Committee on Pension Policy
 Executive Committee meeting:**

April 20, 2004

Senate Conference Room A-B-C
 9:00 a.m. - 10:00 a.m.
 and
 12:30 p.m. - 2:00 p.m.

WSR 04-08-030
RULES COORDINATOR
**SUPERINTENDENT OF
 PUBLIC INSTRUCTION**
 [Filed March 30, 2004, 4:15 p.m.]

This is to apprise you of the fact that Ben Gravelly, Administrative Resource Services, has been appointed hearings officer for the Office of Superintendent of Public Instruction (OSPI). He replaces Linda Harrison in this capacity.

Marcia L. Riggers
 Assistant Superintendent
 Student Support and Operations

MISC.

WSR 04-08-031**NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY**

[Memorandum—March 30, 2004]

PLEASE NOTE: All future board agendas will be available on Eastern's website at <http://www.ewu.edu/Admin-Guide/bot/agenda.html>. We will no longer be mailing agendas. The remaining meetings for 2004 are scheduled on May 21, June 28, September 17, and December 3. Agendas will be posted to the website one week in advance of the meeting.

**EASTERN WASHINGTON UNIVERSITY
BOARD OF TRUSTEES****April 2, 2004**

**Executive Session at 12:00 p.m.
Committee of the Whole at 1:00 p.m.
Special Board of Trustees Meeting at 3:30 p.m.**

TAW 215

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the President's Office, (509) 359-6598.

WSR 04-08-032**RULES COORDINATOR
HORSE RACING COMMISSION**

[Filed March 30, 2004, 4:15 p.m.]

In accordance with RCW 34.05.312, the Washington Horse Racing Commission (WHRC) is naming Robert J. Lopez as the agency's new rules coordinator.

Mr. Lopez can be contacted at the Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, Mailstop 40906, (360) 459-6462.

R. M. Leichner
Executive Secretary

WSR 04-08-035**INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed March 30, 2004, 4:26 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-12 MAA.
Subject: Kidney center services - updates.
Effective Date: March 23, 2004.

Document Description: **Retroactive to dates of service on and after January 1, 2004**, the Medical Assistance Administration (MAA) began using the 2004 CPT™ and Year 2004 HCPCS Level II code additions. This memorandum presents a review of those changes.

This memorandum also includes the following updates:

- Maximum allowable fees for the year 2004 additions, and some fee changes;
- Place of service code changes;
- Vaccine information;
- Unlisted drug code information; and
- Technical changes.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

March 29, 2004

E. A. Myers, Manager
Rules and Publications Section

WSR 04-08-066**NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON**

[Memorandum—March 29, 2004]

At the direction of the president of the board of regents, the location of the following meetings has been changed:

The August 20, 2004, meeting of the board of regents will be in the HUB, Room 200 ABC, UW main campus in Seattle at 1 p.m. It was previously scheduled to be held in the Walker-Ames Room in Kane Hall.

The September 17, 2004, meeting of the board of regents will be in McCarty Hall, Room ABC, UW main campus in Seattle at 1 p.m. It was previously scheduled to be held in the Walker-Ames Room in Kane Hall.

If you have any questions about meetings of the board of regents, please contact the board of regents' office at (206) 543-1633.

WSR 04-08-067**NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY**

[Memorandum—March 31, 2004]

On Friday, April 2, 2004, the Eastern Washington University board of trustees will meet in executive session beginning at 12:00 p.m. in Tawanka Commons, Room 215, on the Cheney campus.

The board will then hold a Committee of the Whole meeting from 1:00 - 3:30 p.m. The purpose of this meeting is to discuss the 2004 legislative session, enrollment, budget planning for FY 2004, budget planning parameters for 2005-07, the academic strategic plan, and the capital campaign planning process. No action will be taken during the Committee of the Whole discussions.

A special meeting of the board of trustees will take place from 3:30 - 4:00 p.m. to approve the appointment of a com-

munity member to the Riverpoint Campus Coordinating Council.

WSR 04-08-076
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
(Special License Plate Review Board)
[Memorandum—April 2, 2004]

The Special License Plate Review Board, authority RCW 46.16.725, has scheduled three quarterly meetings for the year 2004. These meetings need to be classified and recorded as regular meetings under the Open Public Meetings Act.

The meetings are scheduled as follows:

- Dates: June 11, 2004
- September 10, 2004
- December 10, 2004
- Time: 10:00 a.m. - 12:00 p.m.
- Location: Puget Sound Regional Council
1011 Western Avenue, Suite 500
Seattle, WA 98104
phone (206) 464-7090
fax (206) 587-4825

If you need further information, please contact Jennifer Dana at (360) 902-3710 or jdana@dol.wa.gov.

WSR 04-08-083
OFFICE OF THE GOVERNOR
[Filed April 6, 2004, 10:01 a.m.]

NOTICE OF APPEAL
RCW 34.05.330(3)

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On March 24, 2004, the Governor received an agency rule-making appeal submitted by James W. Hearn, regarding the non-retention of wild steelhead statewide beginning April 1, 2004.

DATE: March 31, 2004

Jennifer Joly
General Counsel
to the Governor

WSR 04-08-084
RULES COORDINATOR
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed April 6, 2004, 10:01 a.m.]

Pursuant to RCW 34.05.312, effective April 1, 2004, Leslie Saeger is designated as the rules coordinator for the Department of Retirement Systems. The office and mailing address for the rules coordinator is: Leslie Saeger, Rules and Contracts Coordinator, Department of Retirement Systems, P.O. Box 48380, Tumwater, WA 98501.

John Charles
Director

WSR 04-08-085
RULES COORDINATOR
ATTORNEY GENERAL'S OFFICE
[Filed April 6, 2004, 10:02 a.m.]

This letter is to request a change in the designated rules coordinator for the Attorney General's Office. Jane Halligan is our current designee, but we would like to appoint a new rules coordinator as follows: Sue Bellevue, Attorney General's Office, P.O. Box 40115, Olympia, WA 98504-0115, e-mail sueb2@atg.wa.gov, phone (360) 586-3733, fax (360) 753-3490.

Kathleen D. Mix
Chief Deputy Attorney General

WSR 04-08-113
AGENDA
LIQUOR CONTROL BOARD
[Filed April 6, 2004, 4:04 p.m.]
RULE MAKING SCHEDULE
(updated 3/04)

The Liquor Control Board (LCB) continues to review and amend rules as part of our ongoing regular improvement efforts. Following is a list of rules that the agency will address. The rules are listed by topic, in the order in which the agency intends to address the topics. This schedule is updated quarterly.

If you have any questions or would like to be added to the rule making notice list, please contact Teresa Berntsen, rules coordinator, at (360) 664-1648 or teb@liq.wa.gov.

MISC.

	Rule Making Topic	List of rules to be revised or deleted	Estimated date issue will address rule making topic	Estimated date amended/ new rules in effect
1.	Mandatory alcohol server training	WACs in chapter 314-17 WAC	Board approved preliminary rule making 1/21/04	June 2004
2.	Added activities/ alterations	WAC 314-02-125 and 314-12-030	Board approved preliminary rule making 11/19/03	June 2004
3.	Cleanup of several general requirement rules	WACs in chapter 314-11 WAC	March 2004	July 2004
4.	Price postings—Changes to implement SB 6737	WAC 314-20-100, 314-20-105; 314-24-190, 314-24-200	March 2004	August 2004
5.	Special occasion licenses	(no current WACs, all references in RCW)	March 2004	August 2004
6.	Issues relating to restaurants (what's a dining room vs. a lounge, barriers, etc.).	Various rules in chapters 314-12, 314-16, and 314-02 WAC	April 2004	September 2004
7.	10 p.m. interim policy	10 p.m. policy	April 2004	September 2004
8.	How to get a liquor license	Chapter 314-70 WAC, WAC 314-12-005, 314-12-010, 314-12-015, 314-12-020, 314-12-025, 314-12-0030, 314-12-033, 314-12-035, 314-12-040, 314-12-050, 314-12-060, 314-12-070, 314-12-080, 314-12-100, 314-12-110, 314-12-12-210, 314-12-215, 314-12-220, 314-12-225	May 2004	October 2004
9.	Contested liquor license applications and renewals	Chapter 314-09 WAC	May 2004	October 2004
10.	Penalty guidelines and cleanup of hearings/model rules of procedure rules	Chapter 314-29 WAC, Penalty guidelines and chapter 314-42 WAC, LCB administration (APA issues)	June 2004	November 2004
11.	Certificate of Approval License—Changes to implement SB 6655	WACs in chapters 314-20 and 314-24 WAC	July 2004	December 2004
12.	Label approval	WAC 314-52-015, 314-20-020, 314-24-090, 314-24-040	July 2004	December 2004
13.	Advertising	Chapter 314-52 WAC	August 2004	January 2005
14.	Licensee/supplier relationships (Tied House)	WAC 314-52-040, 314-52-070, 314-52-080, 314-52-085, 314-52-090	August 2004	January 2005
15.	Requirements for nonretail liquor licenses	WAC 314-20-005, 314-20-105, 314-20-050, 314-20-070, 314-20-080, 314-20-090, 314-20-110, 314-20-120, 314-20-140, 314-20-160, 314-20-170, 314-24-020, 314-24-070, 314-24-100, 314-24-105, 314-24-115, 314-24-120, 314-24-130, 314-24-140, 314-24-150, 314-24-160, 314-24-170, 314-124-180, 314-24-210, 314-24-220, 314-24-230, 314-24-240, 314-24-250, chapters 314-25, 314-27, 314-29, 314-30, 314-32, and 314-36 WAC	September 2004	February 2005

MISC.

	Rule Making Topic	List of rules to be revised or deleted	Estimated date issue will address rule making topic	Estimated date amended/ new rules in effect
16.	Requirements specific to nonretail licensees	WAC 314-20-020, 314-20-030, 314-20-130, 314-24-003, 314-24-006, 314-24-040, 314-24-050, 314-24-060, 314-24-070, 314-24-080, 314-24-090, 314-24-120, 314-24-150, 314-64-070, 314-64-080, 314-64-08001, 314-64-090	September 2004	February 2005
17.	Public records	Chapters 314-60 and 314-62 WAC	October 2004	March 2005
18.	Liquor licenses for nonprofit clubs and organizations	Chapter 314-40 WAC	November 2004	April 2005
19.	Liquor permits	Chapters 314-18, 314-38, 314-44, and 314-45 WAC	December 2004	May 2005
20.	Listing products with the LCB	WAC 314-64-010, 314-64-020, 314-64-040, 314-64-050	January 2005	June 2005
21.	Tribal liquor vendors	Chapter 314-37 WAC	January 2005	June 2005
22.	Special orders	WAC 314-76-010	January 2005	June 2005
23.	Sale and distribution of tobacco products	Chapter 314-10 WAC	February 2005	July 2005

Teresa Berntsen
Rules Coordinator

WSR 04-08-120

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed April 7, 2004, 9:04 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-13 MAA.
Subject: Nondurable medical supplies and equipment (MSE): Fee schedule revisions.

Effective Date: March 29, 2004.

Document Description: The Medical Assistance Administration (MAA) has revised the fee schedule in MAA's nondurable medical supplies and equipment (MSE) billing instructions.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

April 5, 2004
E. A. Myers, Manager
Rules and Publications Section

WSR 04-08-121

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed April 7, 2004, 9:05 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-15 MAA.
Subject: Prescription drug program: Updates to the preferred drug list and prior authorization.

Effective Date: Reissued March 29, 2004.

Document Description: **Effective April 1, 2004 and after**, the Medical Assistance Administration (MAA) will implement the following changes to the prescription drug program:

- Administration of the preferred drug list (PDL) by affiliated computer services (ACS);
- Process changes for preferred drug list (PDL);
- MAA's preferred drug list (PDL); and
- PDL related expedited prior authorization (EPA) codes and criteria.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year

MISC.

2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

April 5, 2004
E. A. Myers, Manager
Rules and Publications Section

WSR 04-08-129
NOTICE OF PUBLIC MEETINGS
EVERETT COMMUNITY COLLEGE

[Memorandum—April 7, 2004]

REVISED
(04/01/04)

Everett Community College Board of Trustees
Board Meeting Schedule
2003-2004

The meeting each month will begin at 5:00 p.m.
Everett Community College
Board Room
2000 Tower Street
Everett, WA 98201

January 14, 2004
February 11, 2004
March 10, 2004
April 14, 2004
May 12, 2004
June 9, 2004
July 14, 2004
August 11, 2004
September 8, 2004
October 13, 2004
November 10, 2004
December 8, 2004

WSR 04-08-131
DEPARTMENT OF ECOLOGY

[Filed April 7, 2004, 11:11 a.m.]

PUBLIC NOTICE

PUBLIC HEARINGS AND INFORMATIONAL WORKSHOPS

REVISED WATER TREATMENT PLANT GENERAL PERMIT
AVAILABLE FOR REVIEW AND PUBLIC COMMENT

Introduction: The final draft of the water treatment plant general permit and the fact sheet are available for review and comment. The Washington State Department of Ecology will host an informational workshop and public

hearing on its proposal to reissue the water treatment plant general permit. Written comments on the permit and fact sheet may be submitted or oral comments can be given at the public hearing.

The draft permit is proposed to replace the existing permit that was issued December 3, 1997. Water treatment plants are a group of facilities that treat water to produce potable water (drinking water) and some treatment processes create wastewater as a byproduct. The primary discharge is backwash from the filters used in producing drinking water. Under federal and state water quality law, a permit is required for the discharge of this wastewater. The proposed general permit addresses these legal requirements and controls the discharge of pollutants to protect the water quality of waters in our state. Interested persons are encouraged to obtain a copy of the proposed permit and fact sheet and/or attend the workshop and hearing described below.

A general permit is like an individual wastewater discharge permit except that it addresses a group of facilities as a whole. It implements the Federal Clean Water Act and State Water Pollution Control Act in a single permit. Individual facilities that receive coverage under the general permit are required to comply with the terms and conditions of the permit. All water treatment plants statewide that discharge to surface water and meet the following criteria are eligible for coverage under this general permit:

- Produce potable water or "industrial" water (primary treatment/settled water);
- Discharge wastewater from water treatment filtration processes (filter backwash, sedimentation/pre-sedimentation basin washwater, filter-to-waste); and
- Have a maximum production capacity of 50,000 gallons a day or more of treated drinking water.

Permit Requirements: This general permit includes discharge limits for pH, settleable solids, and chlorine. Monitoring for temperature, trihalomethanes, and dissolved oxygen was dropped because the data from the first five years indicated there was no significant water quality concern with these parameters. An analysis of the chlorine data and receiving water conditions determined that there was a reasonable potential to violate water quality standards at critical discharge conditions. Therefore the allowable concentration of chlorine in the discharge was lowered to 0.07 mg/L.

The lower chlorine limit in the proposed permit will require some facilities to implement dechlorination. As before, small businesses will have a proportionately greater economic impact than large businesses but it is not expected to make a significant increase in the cost of operation for either large or small facilities. The permit provides a compliance schedule for implementing facility changes to comply with the lowered chlorine limit.

Requesting Copies of Permit: Copies of the proposed permit and fact sheet are available upon request. From the Internet: www.ecy.wa.gov/programs/wq/wtp/. Contact ecology: Carey Cholski, United States mail address below, phone (360) 407-6279, fax (360) 407-6305, e-mail cgru461@ecy.wa.gov; or Keith Johnson, United States mail address below, phone (360) 407-6442, fax (360) 407-6426, e-mail kjoh461@ecy.wa.gov.

MISC.

Submitting Comments: Ecology is seeking public comment on the proposed reissue of the water treatment plant general permit and fact sheet. Comments should reference specific text followed by proposed modification or concern when possible. Comments may address technical issues, accuracy and completeness of information, the scope of facilities proposed for coverage, adequacy of environmental protection and permit conditions, or any other concern that would result from issuance of this revised permit. If you wish to comment on the proposed permit you may send your written comments to this address:

Written comments should be mailed to Carey Cholski, Department of Ecology Southwest Region Office, P.O. Box 47775, Olympia, WA 98504-7775; or Keith Johnson, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

Written comments must be postmarked by midnight, Thursday, May 27, 2004. Comments may also be made by attending and testifying at the public hearing.

Attending the Workshop/Hearing: The public workshop and hearing on the proposed general permit will be held on May 24, 2004. The purpose of the workshop is to explain the general permit, what has changed from the previous permit, answer questions, and facilitate meaningful testimony during the hearing. The purpose of the hearing is to provide interested parties an opportunity to give formal oral testimony and comments on the proposed general permit. The workshop and hearing will be held at Washington State Department of Ecology, Headquarters Building, 300 Desmond Drive, Lacey, Washington.

The public workshop and hearing will begin at 2:30 p.m. and conclude as soon as public testimony is completed but no later than 5:00 p.m.

Issuing the Permit: Ecology expects to issue the general permit on June 16, 2004. It will be effective thirty days later. The final permit may, however, be modified based on the comments received and if changes represent a substantial departure from the scope or conditions in the original draft permit, another public notice of draft and comment period may ensue. When issued, a copy of the notice of issuance and ecology's responses to the comments will be sent to all persons who submitted written comment or gave public testimony.

Ecology is an equal opportunity agency. If you have special accommodation needs or require the fact sheet and proposed permit in an alternative format, please contact Carey Cholski at (360) 407-6279 or Keith Johnson at (360) 407-6442. You can also contact ecology using TDD (only) (360) 407-6006.



Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited rule making
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action

WAC # Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
1- 21-070	AMD	04-02-071	16-170-020	NEW	04-08-062	16-170-150	NEW	04-08-062
4- 25-400	PREP	04-08-033	16-170-030	NEW-P	04-05-119	16-170-155	NEW-P	04-05-119
4- 25-410	PREP	04-08-033	16-170-030	NEW	04-08-062	16-170-155	NEW	04-08-062
4- 25-510	PREP	04-08-033	16-170-035	NEW-P	04-05-119	16-170-170	NEW-P	04-05-119
4- 25-530	PREP	04-06-085	16-170-035	NEW	04-08-062	16-170-170	NEW	04-08-062
4- 25-540	PREP	04-08-033	16-170-037	NEW-P	04-05-119	16-170-175	NEW-P	04-05-119
4- 25-550	PREP	04-08-033	16-170-037	NEW	04-08-062	16-170-175	NEW	04-08-062
4- 25-551	PREP	04-08-033	16-170-040	NEW-P	04-05-119	16-170-180	NEW-P	04-05-119
4- 25-610	PREP	04-08-033	16-170-040	NEW	04-08-062	16-170-180	NEW	04-08-062
4- 25-620	PREP	04-08-033	16-170-050	NEW-P	04-05-119	16-219-100	REP-X	04-06-073
4- 25-626	PREP	04-08-033	16-170-050	NEW	04-08-062	16-219-105	REP-X	04-06-073
4- 25-630	PREP	04-08-033	16-170-060	NEW-P	04-05-119	16-228-1220	PREP	04-03-005
4- 25-631	PREP	04-08-033	16-170-060	NEW	04-08-062	16-228-1231	PREP	04-03-004
4- 25-640	PREP	04-08-033	16-170-070	NEW-P	04-05-119	16-228-1250	PREP	04-03-004
4- 25-650	PREP	04-08-033	16-170-070	NEW	04-08-062	16-230-400	PREP	04-03-004
4- 25-660	PREP	04-08-033	16-170-075	NEW-P	04-05-119	16-230-410	PREP	04-03-004
4- 25-661	PREP	04-08-033	16-170-075	NEW	04-08-062	16-230-420	PREP	04-03-004
4- 25-670	PREP	04-08-033	16-170-080	NEW-P	04-05-119	16-230-430	PREP	04-03-004
4- 25-710	PREP	04-08-033	16-170-080	NEW	04-08-062	16-230-440	PREP	04-03-004
4- 25-720	PREP	04-08-033	16-170-090	NEW-P	04-05-119	16-230-450	PREP	04-03-004
4- 25-721	PREP	04-08-033	16-170-090	NEW	04-08-062	16-230-460	PREP	04-03-004
4- 25-730	PREP	04-08-033	16-170-100	NEW-P	04-05-119	16-230-470	PREP	04-03-004
4- 25-735	PREP	04-08-033	16-170-100	NEW	04-08-062	16-230-600	PREP	04-03-004
4- 25-745	PREP	04-08-033	16-170-110	NEW-P	04-05-119	16-230-605	PREP	04-03-004
4- 25-746	PREP	04-08-033	16-170-110	NEW	04-08-062	16-230-610	PREP	04-03-004
4- 25-750	PREP	04-08-033	16-170-115	NEW-P	04-05-119	16-230-615	PREP	04-03-004
4- 25-783	PREP	04-08-033	16-170-115	NEW	04-08-062	16-230-620	PREP	04-03-004
4- 25-790	PREP	04-08-033	16-170-120	NEW-P	04-05-119	16-230-625	PREP	04-03-004
4- 25-791	PREP	04-08-033	16-170-120	NEW	04-08-062	16-230-630	PREP	04-03-004
4- 25-792	PREP	04-08-033	16-170-125	NEW-P	04-05-119	16-230-635	PREP	04-03-004
4- 25-793	PREP	04-08-033	16-170-125	NEW	04-08-062	16-230-640	PREP	04-03-004
4- 25-795	PREP	04-08-033	16-170-130	NEW-P	04-05-119	16-230-645	PREP	04-03-004
4- 25-830	PREP	04-08-033	16-170-130	NEW	04-08-062	16-230-650	PREP	04-03-004
4- 25-831	PREP	04-08-033	16-170-135	NEW-P	04-05-119	16-230-655	PREP	04-03-004
4- 25-910	PREP	04-08-033	16-170-135	NEW	04-08-062	16-230-660	PREP	04-03-004
16- 08-003	NEW	04-02-063	16-170-140	NEW-P	04-05-119	16-230-665	PREP	04-03-004
16- 08-004	NEW	04-02-063	16-170-140	NEW	04-08-062	16-230-670	PREP	04-03-004
16-170-010	NEW-P	04-05-119	16-170-145	NEW-P	04-05-119	16-230-673	PREP	04-03-004
16-170-010	NEW	04-08-062	16-170-145	NEW	04-08-062	16-230-675	PREP	04-03-004
16-170-020	NEW-P	04-05-119	16-170-150	NEW-P	04-05-119	16-230-800	PREP	04-03-004

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-230-810	PREP	04-03-004	16-231-420	PREP	04-03-004	16-232-100	PREP	04-03-004
16-230-813	PREP	04-03-004	16-231-425	PREP	04-03-004	16-232-105	PREP	04-03-004
16-230-815	PREP	04-03-004	16-231-500	PREP	04-03-004	16-232-110	PREP	04-03-004
16-230-820	PREP	04-03-004	16-231-505	PREP	04-03-004	16-232-115	PREP	04-03-004
16-230-825	PREP	04-03-004	16-231-510	PREP	04-03-004	16-232-120	PREP	04-03-004
16-230-830	PREP	04-03-004	16-231-515	PREP	04-03-004	16-232-200	PREP	04-03-004
16-230-835	PREP	04-03-004	16-231-520	PREP	04-03-004	16-232-205	PREP	04-03-004
16-230-840	PREP	04-03-004	16-231-525	PREP	04-03-004	16-232-210	PREP	04-03-004
16-230-845	PREP	04-03-004	16-231-530	PREP	04-03-004	16-232-215	PREP	04-03-004
16-230-850	PREP	04-03-004	16-231-600	PREP	04-03-004	16-232-220	PREP	04-03-004
16-230-855	PREP	04-03-004	16-231-605	PREP	04-03-004	16-232-225	PREP	04-03-004
16-230-860	PREP	04-03-004	16-231-610	PREP	04-03-004	16-232-300	PREP	04-03-004
16-230-861	PREP	04-03-004	16-231-613	PREP	04-03-004	16-232-305	PREP	04-03-004
16-230-862	PREP	04-03-004	16-231-615	PREP	04-03-004	16-232-310	PREP	04-03-004
16-230-863	PREP	04-03-004	16-231-615	PREP	04-03-004	16-232-315	PREP	04-03-004
16-230-864	PREP	04-03-004	16-231-620	PREP	04-03-004	16-250-155	PREP	04-06-074
16-230-866	PREP	04-03-004	16-231-700	PREP	04-03-004	16-252-155	PREP	04-06-074
16-230-868	PREP	04-03-004	16-231-705	PREP	04-03-004	16-301-250	AMD	04-06-019
16-231-100	PREP	04-03-004	16-231-710	PREP	04-03-004	16-301-265	AMD	04-06-019
16-231-105	PREP	04-03-004	16-231-715	PREP	04-03-004	16-301-270	AMD	04-06-019
16-231-107	PREP	04-03-004	16-231-720	PREP	04-03-004	16-301-310	AMD	04-06-019
16-231-110	PREP	04-03-004	16-231-725	PREP	04-03-004	16-301-310	AMD	04-06-019
16-231-115	PREP	04-03-004	16-231-800	PREP	04-03-004	16-301-325	AMD	04-06-019
16-231-119	PREP	04-03-004	16-231-805	PREP	04-03-004	16-301-330	AMD	04-06-019
16-231-125	PREP	04-03-004	16-231-810	PREP	04-03-004	16-301-335	AMD	04-06-019
16-231-130	PREP	04-03-004	16-231-815	PREP	04-03-004	16-301-365	AMD-P	04-05-118
16-231-135	PREP	04-03-004	16-231-820	PREP	04-03-004	16-301-365	AMD	04-08-043
16-231-140	PREP	04-03-004	16-231-825	PREP	04-03-004	16-301-375	AMD-P	04-05-118
16-231-145	PREP	04-03-004	16-231-830	PREP	04-03-004	16-301-375	AMD	04-08-043
16-231-149	PREP	04-03-004	16-231-835	PREP	04-03-004	16-301-380	AMD-P	04-05-118
16-231-153	PREP	04-03-004	16-231-840	PREP	04-03-004	16-301-380	AMD	04-08-043
16-231-156	PREP	04-03-004	16-231-900	PREP	04-03-004	16-301-395	AMD-P	04-05-118
16-231-159	PREP	04-03-004	16-231-905	PREP	04-03-004	16-301-395	AMD	04-08-043
16-231-162	PREP	04-03-004	16-231-910	PREP	04-03-004	16-301-396	NEW-P	04-05-118
16-231-165	PREP	04-03-004	16-231-912	PREP	04-03-004	16-301-396	NEW	04-08-043
16-231-168	PREP	04-03-004	16-231-915	PREP	04-03-004	16-301-410	AMD-P	04-05-118
16-231-171	PREP	04-03-004	16-231-920	PREP	04-03-004	16-301-410	AMD	04-08-043
16-231-174	PREP	04-03-004	16-231-925	PREP	04-03-004	16-301-415	AMD-P	04-05-118
16-231-177	PREP	04-03-004	16-231-930	PREP	04-03-004	16-301-415	AMD	04-08-043
16-231-180	PREP	04-03-004	16-231-935	PREP	04-03-004	16-301-420	AMD-P	04-05-118
16-231-183	PREP	04-03-004	16-232-001	PREP	04-03-004	16-301-420	AMD	04-08-043
16-231-200	PREP	04-03-004	16-232-005	PREP	04-03-004	16-301-430	AMD-P	04-05-118
16-231-205	PREP	04-03-004	16-232-007	PREP	04-03-004	16-301-430	AMD	04-08-043
16-231-210	PREP	04-03-004	16-232-010	PREP	04-03-004	16-301-435	AMD-P	04-05-118
16-231-215	PREP	04-03-004	16-232-015	PREP	04-03-004	16-301-435	AMD	04-08-043
16-231-220	PREP	04-03-004	16-232-020	PREP	04-03-004	16-301-440	AMD-P	04-05-118
16-231-225	PREP	04-03-004	16-232-025	PREP	04-03-004	16-301-440	AMD	04-08-043
16-231-230	PREP	04-03-004	16-232-027	PREP	04-03-004	16-301-450	REP-P	04-05-118
16-231-235	PREP	04-03-004	16-232-030	PREP	04-03-004	16-301-450	REP	04-08-043
16-231-300	PREP	04-03-004	16-232-035	PREP	04-03-004	16-301-455	REP-P	04-05-118
16-231-305	PREP	04-03-004	16-232-041	PREP	04-03-004	16-301-455	REP	04-08-043
16-231-310	PREP	04-03-004	16-232-044	PREP	04-03-004	16-301-460	REP-P	04-05-118
16-231-315	PREP	04-03-004	16-232-047	PREP	04-03-004	16-301-460	REP	04-08-043
16-231-320	PREP	04-03-004	16-232-050	PREP	04-03-004	16-301-465	REP-P	04-05-118
16-231-325	PREP	04-03-004	16-232-053	PREP	04-03-004	16-301-465	REP	04-08-043
16-231-330	PREP	04-03-004	16-232-056	PREP	04-03-004	16-301-470	REP-P	04-05-118
16-231-335	PREP	04-03-004	16-232-059	PREP	04-03-004	16-301-470	REP	04-08-043
16-231-400	PREP	04-03-004	16-232-062	PREP	04-03-004	16-301-475	REP-P	04-05-118
16-231-405	PREP	04-03-004	16-232-065	PREP	04-03-004	16-301-475	REP	04-08-043
16-231-410	PREP	04-03-004	16-232-068	PREP	04-03-004	16-301-480	REP-P	04-05-118
16-231-413	PREP	04-03-004	16-232-071	PREP	04-03-004	16-301-480	REP	04-08-043
16-231-415	PREP	04-03-004	16-232-074	PREP	04-03-004	16-301-485	REP-P	04-05-118
			16-232-077	PREP	04-03-004	16-301-485	REP	04-08-043

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16-302-385	AMD	04-08-044	16-450-014	NEW	04-05-117	16-690-015	REP	04-05-117
16-302-685	AMD	04-06-018	16-450-016	NEW	04-05-117	16-690-020	REP	04-05-117
16-303-340	AMD	04-06-029	16-450-020	NEW	04-05-117	16-690-025	REP	04-05-117
16-319-041	AMD	04-06-028	16-450-022	NEW	04-05-117	16-690-030	REP	04-05-117
16-324-375	AMD-X	04-07-170	16-450-024	NEW	04-05-117	16-690-035	REP	04-05-117
16-324-393	AMD-X	04-07-170	16-450-026	NEW	04-05-117	16-690-040	REP	04-05-117
16-324-398	AMD-X	04-07-170	16-450-028	NEW	04-05-117	16-690-045	REP	04-05-117
16-324-720	REP-X	04-07-170	16-450-032	NEW	04-05-117	16-690-100	REP	04-05-117
16-324-730	REP-X	04-07-170	16-450-040	NEW	04-05-117	16-750-011	AMD-X	04-07-021
16-324-740	REP-X	04-07-170	16-450-042	NEW	04-05-117	16-750-015	AMD-X	04-07-021
16-324-750	REP-X	04-07-170	16-450-044	NEW	04-05-117	51-04-030	AMD-X	04-03-034
16-350-040	AMD-P	04-07-171	16-450-046	NEW	04-05-117	51-04-030	AMD	04-07-193
16-350-045	AMD-P	04-07-171	16-450-048	NEW	04-05-117	51-11-0602	AMD-W	04-07-082
16-390-005	NEW-P	04-08-128	16-450-048	NEW	04-05-117	51-11-1006	AMD-W	04-07-082
16-390-010	NEW-P	04-08-128	16-450-050	NEW	04-05-117	51-11-1006	AMD-W	04-07-082
16-390-020	NEW-P	04-08-128	16-450-060	NEW	04-05-117	51-11-1132	AMD-W	04-07-082
16-390-030	NEW-P	04-08-128	16-450-070	NEW	04-05-117	51-11-1310	AMD-W	04-07-082
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16-390-040	NEW-P	04-08-128	16-458-085	REP-P	04-08-128	51-11-1322	AMD-W	04-07-082
16-390-060	NEW-P	04-08-128	16-459-001	REP	04-05-117	51-11-1323	AMD-W	04-07-082
16-390-100	NEW-P	04-08-128	16-459-00101	REP	04-05-117	51-11-1331	AMD-W	04-07-082
16-390-150	NEW-P	04-08-128	16-459-010	REP	04-05-117	51-11-1334	AMD-W	04-07-082
16-390-200	NEW-P	04-08-128	16-459-020	REP	04-05-117	51-11-1411	AMD-W	04-07-082
16-390-210	NEW-P	04-08-128	16-459-030	REP	04-05-117	51-11-1413	AMD-W	04-07-082
16-390-220	NEW-P	04-08-128	16-459-040	REP	04-05-117	51-11-1414	AMD-W	04-07-082
16-390-230	NEW-P	04-08-128	16-470-105	AMD-C	04-05-025	51-11-1416	AMD-W	04-07-082
16-390-240	NEW-P	04-08-128	16-470-750	NEW-E	04-08-082	51-11-1423	AMD-W	04-07-082
16-390-242	NEW-P	04-08-128	16-470-755	NEW-E	04-08-082	51-11-1432	AMD-W	04-07-082
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16-390-250	NEW-P	04-08-128	16-470-765	NEW-E	04-08-082	51-11-1436	AMD-W	04-07-082
16-390-260	NEW-P	04-08-128	16-470-770	NEW-E	04-08-082	51-11-1437	AMD-W	04-07-082
16-390-270	NEW-P	04-08-128	16-470-775	NEW-E	04-08-082	51-11-1440	AMD-W	04-07-082
16-390-280	NEW-P	04-08-128	16-512-002	REP	04-07-128	51-11-1454	AMD-W	04-07-082
16-400-007	REP-P	04-08-128	16-512-005	AMD	04-07-128	51-11-1513	AMD-W	04-07-082
16-400-008	REP-P	04-08-128	16-512-006	NEW	04-07-128	51-11-1521	AMD-W	04-07-082
16-400-010	REP-P	04-08-128	16-512-010	AMD	04-07-128	51-13-106	AMD-X	04-03-033
16-400-040	REP-P	04-08-128	16-512-020	AMD	04-07-128	51-13-106	AMD	04-07-192
16-400-045	REP-P	04-08-128	16-512-030	REP	04-07-128	51-13-201	AMD-X	04-03-033
16-400-060	REP-P	04-08-128	16-512-040	AMD	04-07-128	51-13-201	AMD	04-07-192
16-400-100	REP-P	04-08-128	16-512-050	AMD	04-07-128	51-13-302	AMD-X	04-03-033
16-400-150	REP-P	04-08-128	16-530-005	NEW-P	04-03-111	51-13-302	AMD	04-07-192
16-400-210	REP-P	04-08-128	16-530-006	NEW-P	04-03-111	51-13-303	AMD-X	04-03-033
16-400-270	REP-P	04-08-128	16-530-010	AMD-P	04-03-111	51-13-303	AMD	04-07-192
16-401	PREP	04-04-108	16-530-020	AMD-P	04-03-111	51-13-304	AMD-X	04-03-033
16-401	PREP	04-06-082	16-530-030	REP-P	04-03-111	51-13-304	AMD	04-07-192
16-401-070	NEW-P	04-07-172	16-530-040	AMD-P	04-03-111	51-13-402	AMD-X	04-03-033
16-402	AMD-P	04-06-083	16-536-005	NEW-P	04-04-107	51-13-402	AMD	04-07-192
16-402	PREP	04-07-045	16-536-006	NEW-P	04-04-107	51-13-502	AMD-X	04-03-033
16-402-010	AMD-P	04-06-083	16-536-010	AMD-P	04-04-107	51-13-502	AMD	04-07-192
16-402-020	AMD-P	04-06-083	16-536-020	AMD-P	04-04-107	51-13-503	AMD-X	04-03-033
16-402-030	NEW-P	04-06-083	16-536-030	REP-P	04-04-107	51-13-503	AMD	04-07-192
16-402-040	NEW-P	04-06-083	16-536-040	AMD-P	04-04-107	51-51-2439	NEW-W	04-07-083
16-402-100	NEW-E	04-07-046	16-536-060	AMD-P	04-04-107	51-51-2802	NEW-W	04-07-083
16-402-110	NEW-E	04-07-046	16-561-005	NEW-P	04-07-194	51-52-0504	NEW-W	04-07-084
16-402-120	NEW-E	04-07-046	16-561-006	NEW-P	04-07-194	67-16-020	NEW-X	04-07-110
16-402-130	NEW-E	04-07-046	16-561-010	AMD-P	04-07-194	67-16-030	NEW-X	04-07-110
16-449-001	REP	04-05-117	16-561-020	AMD-P	04-07-194	67-16-040	NEW-X	04-07-110
16-449-010	REP	04-05-117	16-561-030	REP-P	04-07-194	82-50-021	AMD-X	04-08-126
16-449-020	REP	04-05-117	16-561-040	AMD-P	04-07-194	106-124-900	NEW-P	04-06-014
16-449-030	REP	04-05-117	16-561-060	AMD-P	04-07-194	106-124-910	NEW-P	04-06-014
16-450-005	NEW	04-05-117	16-662-105	AMD-X	04-07-044	106-124-920	NEW-P	04-06-014
16-450-010	NEW	04-05-117	16-690-001	REP	04-05-117	118-33-010	REP	04-08-007

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118-33-030	REP	04-08-007	180-20-111	AMD-P	04-04-087	182-50-025	NEW	04-06-021
118-33-040	REP	04-08-007	180-20-111	AMD	04-08-055	182-50-030	NEW	04-06-021
118-33-050	REP	04-08-007	180-24-225	NEW	04-04-091	182-50-035	NEW	04-06-021
118-33-060	REP	04-08-007	180-46-005	REP-W	04-07-081	182-50-200	NEW	04-06-021
118-33-070	REP	04-08-007	180-46-010	REP-W	04-07-081	192-04-040	AMD-E	04-02-039
118-33-080	REP	04-08-007	180-46-015	REP-W	04-07-081	192-04-050	AMD-E	04-02-039
118-33-090	REP	04-08-007	180-46-020	REP-W	04-07-081	192-12-011	REP-E	04-02-039
118-33-100	REP	04-08-007	180-46-025	REP-W	04-07-081	192-12-012	REP-E	04-02-039
118-33-110	REP	04-08-007	180-46-030	REP-W	04-07-081	192-12-020	REP-E	04-02-039
118-33-120	REP	04-08-007	180-46-035	REP-W	04-07-081	192-12-180	REP-E	04-02-039
131	PREP	04-03-032	180-46-040	REP-W	04-07-081	192-12-184	REP-E	04-02-039
131-16-070	AMD-P	04-04-033	180-46-045	REP-W	04-07-081	192-12-190	REP-E	04-02-039
131-16-070	AMD	04-07-094	180-46-050	REP-W	04-07-081	192-12-300	REP-E	04-02-039
131-16-091	AMD-P	04-04-033	180-46-055	REP-W	04-07-081	192-12-310	REP-E	04-02-039
131-16-091	AMD	04-07-094	180-46-065	REP-W	04-07-081	192-12-320	REP-E	04-02-039
131-16-092	AMD-P	04-04-033	180-50-300	AMD-P	04-04-086	192-12-330	REP-E	04-02-039
131-16-092	AMD	04-07-094	180-50-320	AMD-P	04-04-086	192-12-340	REP-E	04-02-039
131-16-092	AMD	04-07-094	180-51-050	AMD	04-04-093	192-16-009	AMD-E	04-02-039
131-16-093	AMD-P	04-04-033	180-51-061	AMD	04-04-092	192-16-015	AMD-E	04-02-039
131-16-093	AMD	04-07-094	180-55-005	AMD	04-04-093	192-16-016	AMD-E	04-02-039
131-16-094	AMD-P	04-04-033	180-55-015	AMD	04-04-093	192-16-019	REP-E	04-02-039
131-16-094	AMD	04-07-094	180-55-015	AMD	04-04-093	192-16-023	REP-E	04-02-039
131-16-095	AMD-P	04-04-033	180-55-020	AMD	04-04-093	192-16-023	REP-E	04-02-039
131-16-095	AMD	04-07-094	180-55-034	AMD	04-04-093	192-23-014	REP-E	04-02-039
131-16-095	AMD	04-07-094	180-55-150	REP	04-04-093	192-23-015	REP-E	04-02-039
131-16-450	AMD-P	04-07-095	180-77	PREP	04-08-056	192-23-016	REP-E	04-02-039
131-28-026	AMD-P	04-07-093	180-77A	PREP	04-08-056	192-23-017	REP-E	04-02-039
132V-120	PREP	04-05-022	180-78A	PREP	04-08-056	192-23-019	REP-E	04-02-039
132V-130	PREP	04-05-021	180-78A-100	AMD	04-04-090	192-23-061	REP-E	04-02-039
136-28-010	AMD	04-05-001	180-78A-270	AMD	04-04-089	192-23-096	REP-E	04-02-039
136-130-040	AMD	04-05-001	180-78A-507	AMD	04-04-010	192-23-800	REP-E	04-02-039
136-130-060	AMD	04-05-001	180-79A	PREP	04-08-056	192-23-810	REP-E	04-02-039
136-130-070	AMD	04-05-001	180-79A-030	AMD	04-04-011	192-28-105	REP-E	04-02-039
137-28-260	AMD-P	04-05-076	180-79A-117	AMD	04-04-088	192-28-110	REP-E	04-02-039
137-28-260	AMD	04-07-163	180-79A-140	PREP	04-04-084	192-28-115	REP-E	04-02-039
139-01-100	AMD-P	04-02-040	180-79A-206	AMD	04-04-011	192-28-120	REP-E	04-02-039
139-01-100	AMD	04-07-146	180-79A-213	AMD	04-04-011	192-100-010	NEW-E	04-02-039
139-05-210	PREP	04-04-017	180-79A-223	AMD	04-04-012	192-100-020	NEW-E	04-02-039
139-05-210	AMD-P	04-07-145	180-79A-226	AMD	04-04-011	192-100-030	NEW-E	04-02-039
139-05-915	PREP	04-05-064	180-79A-231	PREP	04-04-084	192-110-200	NEW-E	04-02-039
139-05-915	AMD-P	04-08-130	180-79A-257	AMD	04-04-009	192-110-210	NEW-E	04-02-039
139-10-210	PREP	04-06-057	180-79A-257	AMD	04-04-011	192-120-050	NEW-E	04-02-039
173-26-105	REP-X	04-05-105	180-81	PREP	04-08-056	192-130-060	NEW-E	04-02-039
173-224-030	AMD-P	04-08-104	180-82	PREP	04-08-056	192-130-065	NEW-E	04-02-039
173-224-040	AMD-P	04-08-104	180-82A	PREP	04-08-056	192-130-070	NEW-E	04-02-039
173-224-050	AMD-P	04-08-104	180-83	PREP	04-08-056	192-130-080	NEW-E	04-02-039
173-224-090	AMD-P	04-08-104	180-85	PREP	04-08-056	192-140-070	NEW-E	04-02-039
173-303	PREP	04-04-101	180-85-105	AMD-P	04-04-085	192-140-075	NEW-E	04-02-039
173-503	PREP	04-06-027	180-85-105	AMD	04-08-054	192-140-080	NEW-E	04-02-039
173-517	PREP	04-07-185	180-86	PREP	04-08-056	192-140-085	NEW-E	04-02-039
173-518	PREP	04-07-129	180-87	PREP	04-08-056	192-140-090	NEW-E	04-02-039
173-532	PREP	04-08-061	181-01-002	NEW-P	04-04-105	192-140-100	NEW-E	04-02-039
180-16-220	AMD	04-04-093	181-01-002	NEW	04-08-047	192-140-120	NEW-E	04-02-039
180-16-225	AMD	04-04-093	181-01-003	NEW-P	04-04-106	192-140-200	NEW-E	04-02-039
180-16-227	AMD	04-04-093	181-01-003	NEW	04-08-048	192-140-210	NEW-E	04-02-039
180-18-050	AMD	04-04-093	182	PREP	04-07-079	192-150-050	AMD-E	04-02-039
180-18-055	AMD	04-04-093	182-12	PREP	04-07-080	192-150-055	AMD-E	04-02-039
180-18-090	NEW	04-04-093	182-16-040	PREP	04-07-079	192-150-060	AMD-E	04-02-039
180-20-009	AMD-P	04-04-087	182-20-400	AMD	04-03-006	192-150-065	AMD-E	04-02-039
180-20-009	AMD	04-08-055	182-50-001	NEW	04-06-021	192-150-085	AMD-E	04-02-039
180-20-021	NEW-P	04-04-087	182-50-005	NEW	04-06-021	192-150-090	AMD-E	04-02-039
180-20-021	NEW	04-08-055	182-50-010	NEW	04-06-021	192-150-110	NEW-E	04-02-039
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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
192-150-115	NEW-E	04-02-039	196- 21-020	AMD	04-04-001	220- 33-01000R	NEW-E	04-04-071
192-150-120	NEW-E	04-02-039	196- 21-030	AMD	04-04-001	220- 33-01000R	REP-E	04-04-071
192-150-125	NEW-E	04-02-039	196- 23-070	AMD	04-04-001	220- 33-01000S	NEW-E	04-06-002
192-150-130	NEW-E	04-02-039	196- 24-041	REP	04-04-001	220- 33-01000S	REP-E	04-06-002
192-150-135	NEW-E	04-02-039	196- 24-080	REP	04-04-001	220- 33-01000S	REP-E	04-06-059
192-150-140	NEW-E	04-02-039	196- 24-085	REP	04-04-001	220- 33-01000T	NEW-E	04-06-059
192-150-150	NEW-E	04-02-039	196- 24-100	REP	04-04-001	220- 33-01000T	REP-E	04-07-008
192-150-200	NEW-E	04-02-039	196- 24-105	REP	04-04-001	220- 33-01000U	NEW-E	04-07-008
192-150-205	NEW-E	04-02-039	196- 24-110	REP-W	04-05-061	220- 33-01000U	REP-E	04-07-028
192-150-210	NEW-E	04-02-039	196- 25-001	AMD	04-04-001	220- 33-01000V	NEW-E	04-07-028
192-150-215	NEW-E	04-02-039	196- 25-002	AMD-W	04-05-061	220- 33-01000V	REP-E	04-07-050
192-150-220	NEW-E	04-02-039	196- 25-005	AMD	04-04-001	220- 33-01000W	NEW-E	04-07-050
192-180-010	AMD-E	04-02-039	196- 25-010	AMD	04-04-001	220- 33-01000W	REP-E	04-07-078
192-180-015	AMD-E	04-02-039	196- 25-020	REP	04-04-001	220- 33-01000X	NEW-E	04-07-078
192-180-020	AMD-E	04-02-039	196- 25-030	REP	04-04-001	220- 33-01000X	REP-E	04-07-118
192-180-025	AMD-E	04-02-039	196- 25-040	AMD-W	04-05-061	220- 33-01000Y	NEW-E	04-07-118
192-180-030	AMD-E	04-02-039	196- 25-050	AMD	04-04-001	220- 33-01000Y	REP-E	04-07-169
192-180-040	NEW-E	04-02-039	196- 25-100	REP	04-04-001	220- 33-01000Z	NEW-E	04-07-169
192-200-005	NEW-E	04-02-039	196- 27A-025	NEW-W	04-05-061	220- 33-01000Z	REP-E	04-08-011
192-200-010	NEW-E	04-02-039	204- 96-010	AMD	04-07-012	220- 33-04000U	REP-E	04-07-117
192-200-030	NEW-E	04-02-039	208-690-010	NEW-E	04-07-182	220- 33-04000V	NEW-E	04-07-117
192-220-010	NEW-E	04-02-039	208-690-020	NEW-E	04-07-182	220- 33-04000V	REP-E	04-07-117
192-220-020	NEW-E	04-02-039	208-690-030	NEW-E	04-07-182	220- 44-05000A	NEW-E	04-03-010C
192-220-030	NEW-E	04-02-039	208-690-031	NEW-E	04-07-182	220- 44-05000Z	REP-E	04-03-010C
192-230-100	NEW-E	04-02-039	208-690-035	NEW-E	04-07-182	220- 48-01500T	NEW-E	04-07-029
192-240-035	AMD-E	04-02-039	208-690-040	NEW-E	04-07-182	220- 48-02900D	NEW-E	04-05-056
192-240-040	AMD-E	04-02-039	208-690-045	NEW-E	04-07-182	220- 48-03200C	NEW-E	04-05-056
192-300-050	AMD-E	04-02-039	208-690-050	NEW-E	04-07-182	220- 48-06200C	NEW-E	04-05-056
192-310-010	AMD-E	04-02-039	208-690-060	NEW-E	04-07-182	220- 49-02000P	NEW-E	04-05-056
192-310-025	AMD-E	04-02-039	208-690-070	NEW-E	04-07-182	220- 49-05600C	NEW-E	04-05-056
192-310-030	AMD-E	04-02-039	208-690-075	NEW-E	04-07-182	220- 52-04000U	REP-E	04-05-007
192-320-070	AMD-E	04-02-039	208-690-080	NEW-E	04-07-182	220- 52-04000V	NEW-E	04-05-007
192-320-075	NEW-E	04-02-039	208-690-090	NEW-E	04-07-182	220- 52-04000V	REP-E	04-05-014
192-340-100	NEW-E	04-02-039	208-690-100	NEW-E	04-07-182	220- 52-04000W	NEW-E	04-05-014
196- 09	AMD	04-04-001	208-690-110	NEW-E	04-07-182	220- 52-04000W	REP-E	04-06-003
196- 09-010	AMD	04-04-001	208-690-112	NEW-E	04-07-182	220- 52-04000X	NEW-E	04-06-003
196- 09-050	NEW	04-04-001	208-690-115	NEW-E	04-07-182	220- 52-04000X	REP-E	04-07-013
196- 09-055	NEW	04-04-001	208-690-120	NEW-E	04-07-182	220- 52-04000Y	NEW-E	04-07-013
196- 09-060	NEW	04-04-001	208-690-130	NEW-E	04-07-182	220- 52-04000Y	REP-E	04-07-019
196- 09-100	NEW	04-04-001	208-690-140	NEW-E	04-07-182	220- 52-04000Z	NEW-E	04-07-019
196- 09-110	NEW	04-04-001	208-690-150	NEW-E	04-07-182	220- 52-04600D	REP-E	04-03-049
196- 09-120	NEW	04-04-001	208-690-160	NEW-E	04-07-182	220- 52-04600F	REP-E	04-05-007
196- 12-005	NEW	04-04-001	208-690-170	NEW-E	04-07-182	220- 52-04600G	NEW-E	04-03-049
196- 12-010	AMD	04-04-001	208-690-180	NEW-E	04-07-182	220- 52-04600G	REP-E	04-06-042
196- 12-020	AMD	04-04-001	220- 12-020	AMD	04-07-009	220- 52-04600H	NEW-E	04-05-007
196- 12-030	AMD	04-04-001	220- 16-270	AMD	04-07-009	220- 52-04600H	REP-E	04-06-013
196- 12-045	AMD	04-04-001	220- 16-550	AMD	04-07-009	220- 52-04600I	NEW-E	04-06-013
196- 12-050	AMD	04-04-001	220- 16-800	NEW	04-07-009	220- 52-04600I	REP-E	04-07-013
196- 12-055	NEW	04-04-001	220- 16-810	NEW	04-07-009	220- 52-04600J	NEW-E	04-06-042
196- 12-065	NEW	04-04-001	220- 20-080	AMD	04-08-025	220- 52-04600J	REP-E	04-08-038
196- 16-006	NEW	04-04-001	220- 32-05100P	NEW-E	04-03-075	220- 52-04600K	NEW-E	04-07-013
196- 16-007	AMD	04-04-001	220- 32-05100P	REP-E	04-03-075	220- 52-04600K	REP-E	04-07-042
196- 16-010	AMD	04-04-001	220- 32-05100P	REP-E	04-04-053	220- 52-04600L	NEW-E	04-07-042
196- 16-020	AMD	04-04-001	220- 32-05100Q	NEW-E	04-04-053	220- 52-04600M	NEW-E	04-08-038
196- 16-031	AMD	04-04-001	220- 32-05100Q	REP-E	04-04-053	220- 52-04600M	REP-E	04-08-038
196- 16-035	NEW	04-04-001	220- 32-05100Q	REP-E	04-07-027	220- 52-07100D	NEW-E	04-03-031
196- 20-005	NEW-P	04-04-027	220- 32-05100R	NEW-E	04-07-027	220- 52-07100D	REP-E	04-05-008
196- 20-010	AMD-P	04-04-027	220- 32-05100R	REP-E	04-07-027	220- 52-07100E	NEW-E	04-05-008
196- 20-020	AMD-P	04-04-027	220- 33-01000A	NEW-E	04-08-011	220- 52-07100E	REP-E	04-05-045
196- 20-030	AMD-P	04-04-027	220- 33-01000A	REP-E	04-08-026	220- 52-07100F	NEW-E	04-05-045
196- 21-005	NEW	04-04-001	220- 33-01000B	NEW-E	04-08-026	220- 52-07100F	REP-E	04-06-041
196- 21-010	AMD	04-04-001	220- 33-01000Q	REP-E	04-04-071	220- 52-07100G	NEW-E	04-06-041

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-52-07300J	REP-E	04-03-010B	220-110-035	PREP	04-04-008	232-28-61900G	NEW-E	04-03-047
220-52-07300K	NEW-E	04-03-010B	220-110-035	AMD-P	04-08-064	232-28-61900G	REP-E	04-03-047
220-52-07300K	REP-E	04-03-074	220-125-010	AMD	04-05-026	232-28-61900G	REP-E	04-04-028
220-52-07300L	NEW-E	04-03-074	222-08-010	AMD	04-05-122	232-28-61900H	NEW-E	04-04-028
220-52-07300L	REP-E	04-06-012	222-08-020	AMD	04-05-122	232-28-61900H	REP-E	04-04-028
220-55-061	NEW-P	04-05-068	222-08-020	DECOD	04-05-122	232-28-61900H	REP-E	04-05-032
220-55-061	NEW	04-08-063	222-08-030	AMD	04-05-122	232-28-61900I	NEW-E	04-04-060
220-56-100	AMD-W	04-05-060	222-08-030	DECOD	04-05-122	232-28-61900J	NEW-E	04-05-015
220-56-100	AMD	04-07-009	222-08-035	DECOD	04-05-122	232-28-61900J	REP-E	04-05-015
220-56-115	AMD	04-07-009	222-08-040	AMD	04-05-122	232-28-61900K	NEW-E	04-05-033
220-56-118	NEW	04-07-009	222-08-050	NEW	04-05-122	232-28-61900K	REP-E	04-05-033
220-56-150	AMD	04-07-009	222-08-060	NEW	04-05-122	232-28-61900K	REP-E	04-07-026
220-56-215	AMD	04-07-009	222-08-070	NEW	04-05-122	232-28-61900L	NEW-E	04-05-048
220-56-235	AMD	04-07-009	222-08-080	NEW	04-05-122	232-28-61900L	REP-E	04-05-048
220-56-23500S	NEW-E	04-05-057	222-08-090	NEW	04-05-122	232-28-61900M	NEW-E	04-07-007
220-56-23500T	NEW-E	04-07-006	222-08-100	NEW	04-05-122	232-28-61900M	REP-E	04-07-007
220-56-23500T	REP-E	04-07-006	222-08-120	NEW	04-05-122	232-28-61900N	NEW-E	04-07-004
220-56-250	AMD	04-07-009	222-08-130	NEW	04-05-122	232-28-61900N	REP-E	04-07-004
220-56-25000F	NEW-E	04-07-005	222-08-140	RECOD	04-05-122	232-28-61900P	NEW-E	04-07-026
220-56-26700B	NEW-E	04-05-057	222-08-150	RECOD	04-05-122	232-28-61900P	REP-E	04-07-026
220-56-27000R	REP-E	04-07-116	222-08-160	RECOD	04-05-122	232-28-61900Q	NEW-E	04-07-067
220-56-27000R	REP-E	04-07-123	222-12-090	AMD	04-05-087	232-28-61900Q	REP-E	04-07-067
220-56-27000S	NEW-E	04-05-057	222-16-010	AMD	04-05-087	232-28-61900R	NEW-E	04-08-005
220-56-27000T	NEW-E	04-07-116	230-04-124	AMD-W	04-05-059	232-28-61900R	REP-E	04-08-005
220-56-27000T	REP-E	04-07-116	230-04-192	REP-P	04-05-078	232-28-61900R	REP-E	04-08-013
220-56-27000T	REP-E	04-07-123	230-04-196	REP-P	04-05-078	232-28-61900S	NEW-E	04-08-013
220-56-27000U	NEW-E	04-07-123	230-12-045	AMD-P	04-07-103	232-28-61900T	NEW-E	04-08-049
220-56-27000U	REP-E	04-07-123	230-20-059	AMD	04-07-102	232-28-61900T	REP-E	04-08-049
220-56-282	AMD	04-07-009	230-30-072	AMD-P	04-02-045	236-12-290	AMD-P	04-05-101
220-56-310	AMD	04-07-009	230-40-070	PREP	04-04-061	236-51-001	NEW	04-07-104
220-56-315	AMD	04-07-009	230-40-070	AMD-P	04-07-147	236-51-005	NEW	04-07-104
220-56-325	AMD	04-07-009	230-40-120	AMD-C	04-04-036	236-51-006	NEW	04-07-104
220-56-330	AMD	04-07-009	230-40-120	AMD	04-06-005	236-51-010	NEW	04-07-104
220-56-335	AMD	04-07-009	230-40-120	AMD-W	04-07-051	236-51-100	NEW	04-07-104
220-56-350	AMD	04-07-009	230-40-823	AMD	04-06-058	236-51-110	NEW	04-07-104
220-56-35000Q	NEW-E	04-03-010A	232-12-004	AMD-P	04-05-099	236-51-115	NEW	04-07-104
220-56-35000Q	REP-E	04-06-035	232-12-005	NEW-P	04-05-099	236-51-120	NEW	04-07-104
220-56-35000R	NEW-E	04-06-035	232-12-014	AMD-P	04-05-110	236-51-200	NEW	04-07-104
220-56-35000R	REP-E	04-07-043	232-12-019	AMD	04-07-009	236-51-205	NEW	04-07-104
220-56-35000S	NEW-E	04-07-043	232-12-047	AMD-P	04-05-106	236-51-210	NEW	04-07-104
220-56-36000W	NEW-E	04-03-048	232-12-054	AMD-P	04-05-106	236-51-215	NEW	04-07-104
220-56-36000W	REP-E	04-03-048	232-12-064	AMD-P	04-05-099	236-51-220	NEW	04-07-104
220-56-36000X	NEW-E	04-05-100	232-12-168	AMD	04-07-009	236-51-225	NEW	04-07-104
220-56-36000X	REP-E	04-05-100	232-12-271	AMD-P	04-05-099	236-51-300	NEW	04-07-104
220-56-36000Y	NEW-E	04-07-097	232-12-31500K	REP-E	04-08-065	236-51-302	NEW	04-07-104
220-56-36000Y	REP-E	04-07-097	232-12-31500L	NEW-E	04-08-065	236-51-305	NEW	04-07-104
220-56-370	REP	04-07-009	232-12-31500L	REP-E	04-08-065	236-51-306	NEW	04-07-104
220-56-380	AMD	04-07-009	232-12-619	AMD	04-07-009	236-51-310	NEW	04-07-104
220-56-38000G	NEW-E	04-03-010A	232-12-828	AMD-P	04-05-106	236-51-320	NEW	04-07-104
220-56-39000B	NEW-E	04-05-057	232-28-248	AMD-P	04-05-115	236-51-400	NEW	04-07-104
220-56-41000A	NEW-E	04-05-057	232-28-271	AMD	04-03-026	236-51-405	NEW	04-07-104
220-69-241	AMD	04-05-028	232-28-272	AMD-P	04-05-109	236-51-410	NEW	04-07-104
220-72-01000B	NEW-E	04-08-037	232-28-273	AMD-P	04-05-111	236-51-500	NEW	04-07-104
220-72-011	AMD-P	04-05-069	232-28-282	AMD-P	04-05-111	236-51-502	NEW	04-07-104
220-72-089	AMD-P	04-05-069	232-28-333	AMD-P	04-05-113	236-51-505	NEW	04-07-104
220-72-08900C	NEW-E	04-08-037	232-28-335	AMD-P	04-05-114	236-51-510	NEW	04-07-104
220-72-090	AMD-P	04-05-069	232-28-337	AMD-P	04-05-116	236-51-515	NEW	04-07-104
220-72-09000C	NEW-E	04-08-037	232-28-341	AMD-P	04-05-112	236-51-600	NEW	04-07-104
220-88B-030	AMD	04-05-027	232-28-351	AMD-P	04-05-107	236-51-605	NEW	04-07-104
220-88B-040	AMD	04-05-027	232-28-352	AMD-P	04-05-108	236-51-610	NEW	04-07-104
220-88C-030	AMD-P	04-07-186	232-28-619	AMD	04-07-009	236-51-615	NEW	04-07-104
220-88C-040	AMD-P	04-07-186	232-28-61900F	REP-E	04-07-004	236-51-620	NEW	04-07-104

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236-51-700	NEW	04-07-104	246-260-031	NEW-P	04-08-099	246-294-010	AMD	04-06-047
236-51-710	NEW	04-07-104	246-260-040	REP-P	04-08-099	246-294-020	AMD	04-06-047
236-51-715	NEW	04-07-104	246-260-041	NEW-P	04-08-099	246-294-030	AMD	04-06-047
236-51-720	NEW	04-07-104	246-260-050	REP-P	04-08-099	246-294-040	AMD	04-06-047
236-51-725	NEW	04-07-104	246-260-051	NEW-P	04-08-099	246-294-050	AMD	04-06-047
236-51-730	NEW	04-07-104	246-260-060	REP-P	04-08-099	246-294-060	AMD	04-06-047
236-51-735	NEW	04-07-104	246-260-061	NEW-P	04-08-099	246-294-070	AMD	04-06-047
236-51-740	NEW	04-07-104	246-260-070	REP-P	04-08-099	246-294-080	AMD	04-06-047
236-51-745	NEW	04-07-104	246-260-071	NEW-P	04-08-099	246-294-090	AMD	04-06-047
246-01	PREP	04-06-043	246-260-080	REP-P	04-08-099	246-808-190	PREP	04-02-064
246-08	PREP	04-06-043	246-260-081	NEW-P	04-08-099	246-808-535	PREP	04-02-064
246-50-001	AMD-W	04-02-066	246-260-090	REP-P	04-08-099	246-809-610	AMD	04-06-010
246-50-005	NEW-W	04-02-066	246-260-091	NEW-P	04-08-099	246-809-620	AMD	04-06-010
246-50-010	AMD-W	04-02-066	246-260-100	REP-P	04-08-099	246-809-630	AMD	04-06-010
246-50-020	AMD-W	04-02-066	246-260-101	NEW-P	04-08-099	246-809-700	NEW	04-06-011
246-50-030	AMD-W	04-02-066	246-260-110	REP-P	04-08-099	246-809-710	NEW	04-06-011
246-50-035	NEW-W	04-02-066	246-260-111	NEW-P	04-08-099	246-809-720	NEW	04-06-011
246-50-040	REP-W	04-02-066	246-260-120	REP-P	04-08-099	246-817-135	PREP	04-08-096
246-50-990	AMD-W	04-02-066	246-260-121	NEW-P	04-08-099	246-817-440	PREP	04-08-095
246-217-010	PREP-W	04-06-020	246-260-130	REP-P	04-08-099	246-828-030	REP	04-02-068
246-217-015	PREP-W	04-06-020	246-260-131	NEW-P	04-08-099	246-828-045	AMD	04-02-068
246-232-020	AMD	04-04-055	246-260-140	REP-P	04-08-099	246-828-055	REP	04-02-068
246-232-040	AMD	04-04-055	246-260-141	NEW-P	04-08-099	246-828-061	REP	04-02-068
246-232-050	AMD	04-04-055	246-260-150	REP-P	04-08-099	246-828-070	REP	04-02-068
246-232-060	AMD	04-04-055	246-260-151	NEW-P	04-08-099	246-828-075	AMD	04-02-068
246-233-001	AMD	04-04-055	246-260-160	REP-P	04-08-099	246-828-090	AMD	04-02-068
246-233-005	NEW	04-04-055	246-260-170	REP-P	04-08-099	246-828-095	AMD	04-02-068
246-233-015	NEW	04-04-055	246-260-171	NEW-P	04-08-099	246-828-100	AMD	04-02-068
246-233-020	AMD	04-04-055	246-260-181	NEW-P	04-08-099	246-828-105	AMD	04-02-068
246-233-025	NEW	04-04-055	246-260-191	NEW-P	04-08-099	246-828-220	AMD	04-02-068
246-233-030	NEW	04-04-055	246-260-200	REP-P	04-08-099	246-828-270	AMD	04-02-068
246-233-035	NEW	04-04-055	246-260-201	NEW-P	04-08-099	246-828-290	AMD	04-02-068
246-233-040	NEW	04-04-055	246-260-210	REP-P	04-08-099	246-828-320	AMD	04-02-068
246-235-093	AMD	04-04-055	246-260-211	NEW-P	04-08-099	246-828-330	AMD	04-02-068
246-235-095	AMD	04-04-055	246-260-220	REP-P	04-08-099	246-828-350	AMD	04-02-068
246-235-097	AMD	04-04-055	246-260-221	NEW-P	04-08-099	246-828-500	AMD	04-02-068
246-239-080	AMD	04-04-055	246-260-230	REP-P	04-08-099	246-828-550	AMD	04-02-068
246-247-010	AMD-P	04-07-180	246-260-240	REP-P	04-08-099	246-828-990	AMD	04-02-068
246-247-040	AMD-P	04-07-180	246-260-250	REP-P	04-08-099	246-840-010	AMD-E	04-05-043
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246-888-050	RECOD-P	04-08-097	251-30-020	AMD-P	04-07-188	296-17-870	AMD-P	04-07-121
246-888-060	DECOD-P	04-08-097	251-30-020	DECOD-P	04-07-188	296-17-895	AMD-P	04-07-122
246-888-060	RECOD-P	04-08-097	251-30-020	RECOD-P	04-07-188	296-19A-210	AMD-S	04-03-035
246-888-070	AMD-P	04-08-097	251-30-030	AMD-P	04-07-188	296-19A-210	AMD	04-08-045
246-888-070	DECOD-P	04-08-097	251-30-030	DECOD-P	04-07-188	296-19A-480	AMD-S	04-03-035
246-888-070	RECOD-P	04-08-097	251-30-030	RECOD-P	04-07-188	296-19A-480	AMD	04-08-045
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246-888-080	RECOD-P	04-08-097	251-30-034	NEW-P	04-07-188	296-20-01002	AMD	04-08-040
246-888-090	DECOD-P	04-08-097	251-30-040	REP-P	04-07-188	296-20-02704	AMD-P	04-03-082
246-888-090	RECOD-P	04-08-097	251-30-050	REP-P	04-07-188	296-20-02704	AMD	04-08-040
246-888-100	DECOD-P	04-08-097	251-30-055	AMD-P	04-07-188	296-20-02705	AMD-P	04-03-082
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246-915-220	AMD	04-08-100	260-40-160	AMD-P	04-04-047	296-23-26503	REP	04-04-029
246-915-230	AMD-P	04-03-107	260-40-160	AMD	04-07-076	296-23-26504	REP	04-04-029
246-915-230	AMD	04-08-100	260-48-620	AMD-P	04-04-048	296-23-26505	REP	04-04-029
246-915-240	AMD-P	04-03-107	260-48-620	AMD	04-07-077	296-23-26506	REP	04-04-029
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246-915-270	AMD	04-08-100	260-60-350	AMD	04-05-093	296-23-317	NEW	04-04-029
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246-915-280	AMD	04-08-100	260-70-545	NEW	04-05-094	296-23-327	NEW	04-04-029
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296- 24-012	AMD	04-07-161	296- 24-19513	REP-P	04-03-085	296- 24-63399	AMD	04-07-161
296- 24-110	REP-P	04-03-102	296- 24-19514	REP-P	04-03-085	296- 24-67509	PREP	04-07-155
296- 24-11001	REP-P	04-03-102	296- 24-19517	REP-P	04-03-085	296- 24-69003	AMD-P	04-03-085
296- 24-11003	REP-P	04-03-102	296- 24-197	REP-P	04-03-085	296- 24-75011	AMD	04-07-161
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296- 24-15003	REP-P	04-03-085	296- 24-20021	REP-P	04-03-085	296- 46B-030	AMD-P	04-08-088
296- 24-15005	REP-P	04-03-085	296- 24-205	REP-P	04-03-085	296- 46B-110	AMD-P	04-08-088
296- 24-15007	REP-P	04-03-085	296- 24-20501	REP-P	04-03-085	296- 46B-210	AMD-P	04-08-088
296- 24-15009	REP-P	04-03-085	296- 24-20503	REP-P	04-03-085	296- 46B-250	AMD-P	04-08-088
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296- 24-16501	REP-P	04-03-085	296- 24-20507	REP-P	04-03-085	296- 46B-314	AMD-P	04-08-088
296- 24-16503	REP-P	04-03-085	296- 24-20509	REP-P	04-03-085	296- 46B-334	AMD-P	04-08-088
296- 24-16505	REP-P	04-03-085	296- 24-20511	REP-P	04-03-085	296- 46B-410	AMD-P	04-08-088
296- 24-16507	REP-P	04-03-085	296- 24-20513	REP-P	04-03-085	296- 46B-430	AMD-P	04-08-088
296- 24-16509	REP-P	04-03-085	296- 24-20515	REP-P	04-03-085	296- 46B-900	AMD-P	04-08-088
296- 24-16511	REP-P	04-03-085	296- 24-20517	REP-P	04-03-085	296- 46B-905	AMD-P	04-08-088
296- 24-16513	REP-P	04-03-085	296- 24-20519	REP-P	04-03-085	296- 46B-910	AMD-P	04-08-088
296- 24-16515	REP-P	04-03-085	296- 24-20521	REP-P	04-03-085	296- 46B-911	AMD-P	04-08-088
296- 24-16517	REP-P	04-03-085	296- 24-20523	REP-P	04-03-085	296- 46B-915	AMD-P	04-08-088
296- 24-16519	REP-P	04-03-085	296- 24-20525	REP-P	04-03-085	296- 46B-920	AMD-P	04-08-088
296- 24-16521	REP-P	04-03-085	296- 24-20527	REP-P	04-03-085	296- 46B-925	AMD-P	04-08-088
296- 24-16523	REP-P	04-03-085	296- 24-20529	REP-P	04-03-085	296- 46B-930	AMD-P	04-08-088
296- 24-16525	REP-P	04-03-085	296- 24-20531	REP-P	04-03-085	296- 46B-935	AMD-P	04-08-088
296- 24-16527	REP-P	04-03-085	296- 24-20533	REP-P	04-03-085	296- 46B-940	AMD-P	04-08-088
296- 24-16529	REP-P	04-03-085	296- 24-20699	REP-P	04-03-085	296- 46B-945	AMD-P	04-08-088
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296- 24-18005	REP-P	04-03-085	296- 24-23007	REP-P	04-08-039	296- 56-60115	AMD-X	04-05-072
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296- 24-190	REP-P	04-03-085	296- 24-23013	REP-P	04-08-039	296- 62	PREP	04-05-073
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296- 24-19501	REP-P	04-03-085	296- 24-23033	REP-P	04-08-039	296- 78-605	AMD-P	04-03-085
296- 24-19503	REP-P	04-03-085	296- 24-23035	REP-P	04-08-039	296- 78-615	AMD-P	04-03-085
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296-78-70503	AMD-P	04-03-085	296-96-02360	AMD-P	04-08-087	296-96-11078	AMD-P	04-08-087
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296-78-71007	AMD-P	04-03-085	296-96-02362	NEW-P	04-08-087	296-96-13135	NEW-P	04-08-087
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296-96-00500	AMD-P	04-08-087	296-96-02367	NEW-P	04-08-087	296-96-13149	NEW-P	04-08-087
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296-96-00650	AMD-P	04-08-087	296-96-02371	NEW-P	04-08-087	296-96-13153	NEW-P	04-08-087
296-96-00700	AMD-P	04-08-087	296-96-05010	AMD-P	04-08-087	296-96-13155	NEW-P	04-08-087
296-96-00800	AMD-P	04-08-087	296-96-05030	AMD-P	04-08-087	296-96-13157	NEW-P	04-08-087
296-96-00805	NEW-P	04-08-087	296-96-05070	AMD-P	04-08-087	296-96-13159	NEW-P	04-08-087
296-96-00900	NEW-P	04-08-087	296-96-05160	AMD-P	04-08-087	296-96-13161	NEW-P	04-08-087
296-96-00902	NEW-P	04-08-087	296-96-05170	AMD-P	04-08-087	296-96-13167	NEW-P	04-08-087
296-96-00903	NEW-P	04-08-087	296-96-05230	AMD-P	04-08-087	296-96-13169	NEW-P	04-08-087
296-96-00904	NEW-P	04-08-087	296-96-05290	AMD-P	04-08-087	296-96-13171	NEW-P	04-08-087
296-96-00906	NEW-P	04-08-087	296-96-07010	AMD-P	04-08-087	296-96-14045	AMD-P	04-08-087
296-96-00910	NEW-P	04-08-087	296-96-07021	NEW-P	04-08-087	296-96-14060	AMD-P	04-08-087
296-96-00912	NEW-P	04-08-087	296-96-07024	NEW-P	04-08-087	296-96-14070	AMD-P	04-08-087
296-96-00914	NEW-P	04-08-087	296-96-07080	AMD-P	04-08-087	296-96-14080	AMD-P	04-08-087
296-96-00916	NEW-P	04-08-087	296-96-07100	AMD-P	04-08-087	296-96-16040	AMD-P	04-08-087
296-96-00918	NEW-P	04-08-087	296-96-07170	AMD-P	04-08-087	296-96-16150	AMD-P	04-08-087
296-96-00920	NEW-P	04-08-087	296-96-07180	AMD-P	04-08-087	296-96-23100	AMD-P	04-08-087
296-96-00922	NEW-P	04-08-087	296-96-07190	AMD-P	04-08-087	296-96-23101	AMD-P	04-08-087
296-96-00924	NEW-P	04-08-087	296-96-07200	AMD-P	04-08-087	296-96-23117	NEW-P	04-08-087
296-96-00926	NEW-P	04-08-087	296-96-07215	NEW-P	04-08-087	296-96-23118	NEW-P	04-08-087
296-96-00930	NEW-P	04-08-087	296-96-07230	AMD-P	04-08-087	296-96-23119	NEW-P	04-08-087
296-96-01000	AMD-P	04-08-087	296-96-07250	AMD-P	04-08-087	296-96-23151	AMD-P	04-08-087
296-96-01005	AMD-P	04-08-087	296-96-08010	AMD-P	04-08-087	296-96-23240	AMD-P	04-08-087
296-96-01006	NEW-P	04-08-087	296-96-08020	AMD-P	04-08-087	296-96-23270	AMD-P	04-08-087
296-96-01007	NEW-P	04-08-087	296-96-08022	NEW-P	04-08-087	296-96-23287	AMD-P	04-08-087
296-96-01009	NEW-P	04-08-087	296-96-08024	NEW-P	04-08-087	296-96-23610	AMD-P	04-08-087
296-96-01010	AMD-P	04-08-087	296-96-08030	AMD-P	04-08-087	296-104	PREP	04-08-114
296-96-01027	AMD-P	04-08-087	296-96-08050	AMD-P	04-08-087	296-104-700	AMD-P	04-08-115
296-96-01035	AMD-P	04-08-087	296-96-08060	AMD-P	04-08-087	296-115-050	AMD-P	04-03-085
296-96-01070	AMD-P	04-08-087	296-96-08090	AMD-P	04-08-087	296-127	PREP	04-06-063
296-96-01075	NEW-P	04-08-087	296-96-08100	AMD-P	04-08-087	296-127-011	AMD-X	04-03-083
296-96-01080	REP-P	04-08-087	296-96-08110	AMD-P	04-08-087	296-150C-3000	AMD-P	04-08-092
296-96-02230	NEW-P	04-08-087	296-96-08140	AMD-P	04-08-087	296-150F-3000	AMD-P	04-08-092
296-96-02232	NEW-P	04-08-087	296-96-08150	AMD-P	04-08-087	296-150M-3000	AMD-P	04-08-092
296-96-02235	NEW-P	04-08-087	296-96-08160	AMD-P	04-08-087	296-150P-3000	AMD-P	04-08-092
296-96-02240	AMD-P	04-08-087	296-96-08170	AMD-P	04-08-087	296-150R-3000	AMD-P	04-08-092
296-96-02275	AMD-P	04-08-087	296-96-08175	AMD-P	04-08-087	296-150T-3000	AMD-P	04-08-092
296-96-02276	NEW-P	04-08-087	296-96-08180	AMD-P	04-08-087	296-150V-3000	AMD-P	04-08-092
296-96-02277	AMD-P	04-08-087	296-96-08190	AMD-P	04-08-087	296-155	PREP	04-03-084
296-96-02278	AMD-P	04-08-087	296-96-08200	AMD-P	04-08-087	296-155	PREP	04-05-074
296-96-02280	AMD-P	04-08-087	296-96-08215	NEW-P	04-08-087	296-155-120	AMD	04-07-160
296-96-02281	AMD-P	04-08-087	296-96-08220	AMD-P	04-08-087	296-155-429	AMD-P	04-03-102
296-96-02282	NEW-P	04-08-087	296-96-08230	AMD-P	04-08-087	296-155-487	AMD-P	04-03-085
296-96-02283	NEW-P	04-08-087	296-96-08250	AMD-P	04-08-087	296-155-488	AMD-P	04-03-085
296-96-02285	NEW-P	04-08-087	296-96-09002	AMD-P	04-08-087	296-155-525	AMD-P	04-03-085
296-96-02290	NEW-P	04-08-087	296-96-09003	NEW-P	04-08-087	296-155-617	PREP	04-07-154
296-96-02310	AMD-P	04-08-087	296-96-09004	NEW-P	04-08-087	296-155-682	AMD-P	04-03-085
296-96-02315	AMD-P	04-08-087	296-96-10002	NEW-P	04-08-087	296-200A-900	AMD-P	04-08-092
296-96-02317	NEW-P	04-08-087	296-96-11000	REP-P	04-08-087	296-301-020	AMD-P	04-03-085
296-96-02318	NEW-P	04-08-087	296-96-11001	AMD-P	04-08-087	296-301-020	PREP	04-06-078
296-96-02320	AMD-P	04-08-087	296-96-11016	AMD-P	04-08-087	296-301-170	AMD-P	04-03-085
296-96-02325	AMD-P	04-08-087	296-96-11019	AMD-P	04-08-087	296-302-010	REP-P	04-03-085
296-96-02330	AMD-P	04-08-087	296-96-11022	AMD-P	04-08-087	296-302-015	REP-P	04-03-085

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-302-020	REP-P	04-03-085	296-400A-122	AMD-P	04-08-089	296-806-20024	NEW-P	04-03-085
296-302-025	REP-P	04-03-085	296-400A-130	AMD-P	04-08-089	296-806-20026	NEW-P	04-03-085
296-302-02501	REP-P	04-03-085	296-400A-135	NEW-P	04-08-089	296-806-20028	NEW-P	04-03-085
296-302-02503	REP-P	04-03-085	296-400A-140	AMD-P	04-08-089	296-806-20030	NEW-P	04-03-085
296-302-02505	REP-P	04-03-085	296-400A-150	NEW-P	04-08-089	296-806-20032	NEW-P	04-03-085
296-302-02507	REP-P	04-03-085	296-400A-155	NEW-P	04-08-089	296-806-20034	NEW-P	04-03-085
296-302-02509	REP-P	04-03-085	296-400A-300	AMD-P	04-08-089	296-806-20036	NEW-P	04-03-085
296-302-02511	REP-P	04-03-085	296-400A-400	AMD-P	04-08-089	296-806-20038	NEW-P	04-03-085
296-302-02513	REP-P	04-03-085	296-400A-425	AMD-P	04-08-089	296-806-20040	NEW-P	04-03-085
296-302-02515	REP-P	04-03-085	296-800	PREP	04-07-157	296-806-20042	NEW-P	04-03-085
296-302-02517	REP-P	04-03-085	296-800-11045	PREP	04-06-078	296-806-20044	NEW-P	04-03-085
296-302-02519	REP-P	04-03-085	296-800-150	AMD	04-07-160	296-806-20046	NEW-P	04-03-085
296-302-03001	REP-P	04-03-085	296-800-15005	AMD	04-07-160	296-806-20048	NEW-P	04-03-085
296-302-03003	REP-P	04-03-085	296-800-15010	REP	04-07-160	296-806-20050	NEW-P	04-03-085
296-302-035	REP-P	04-03-085	296-800-15015	REP	04-07-160	296-806-20052	NEW-P	04-03-085
296-302-040	REP-P	04-03-085	296-800-15025	REP	04-07-160	296-806-20054	NEW-P	04-03-085
296-302-045	REP-P	04-03-085	296-800-35052	PREP	04-06-078	296-806-20056	NEW-P	04-03-085
296-302-050	REP-P	04-03-085	296-803-100	NEW-P	04-03-102	296-806-20058	NEW-P	04-03-085
296-302-05501	REP-P	04-03-085	296-803-200	NEW-P	04-03-102	296-806-300	NEW-P	04-03-085
296-302-05503	REP-P	04-03-085	296-803-20005	NEW-P	04-03-102	296-806-30002	NEW-P	04-03-085
296-302-060	REP-P	04-03-085	296-803-300	NEW-P	04-03-102	296-806-30004	NEW-P	04-03-085
296-302-065	REP-P	04-03-085	296-803-30005	NEW-P	04-03-102	296-806-30006	NEW-P	04-03-085
296-302-06501	REP-P	04-03-085	296-803-400	NEW-P	04-03-102	296-806-30008	NEW-P	04-03-085
296-302-06503	REP-P	04-03-085	296-803-40005	NEW-P	04-03-102	296-806-30010	NEW-P	04-03-085
296-302-06505	REP-P	04-03-085	296-803-40010	NEW-P	04-03-102	296-806-30012	NEW-P	04-03-085
296-302-06507	REP-P	04-03-085	296-803-40015	NEW-P	04-03-102	296-806-30014	NEW-P	04-03-085
296-302-06509	REP-P	04-03-085	296-803-40020	NEW-P	04-03-102	296-806-30016	NEW-P	04-03-085
296-302-06511	REP-P	04-03-085	296-803-500	NEW-P	04-03-102	296-806-30018	NEW-P	04-03-085
296-302-06513	REP-P	04-03-085	296-803-50005	NEW-P	04-03-102	296-806-30020	NEW-P	04-03-085
296-302-06515	REP-P	04-03-085	296-803-50010	NEW-P	04-03-102	296-806-30022	NEW-P	04-03-085
296-302-06517	REP-P	04-03-085	296-803-50015	NEW-P	04-03-102	296-806-30024	NEW-P	04-03-085
296-302-06519	REP-P	04-03-085	296-803-50020	NEW-P	04-03-102	296-806-30026	NEW-P	04-03-085
296-302-06521	REP-P	04-03-085	296-803-50025	NEW-P	04-03-102	296-806-30028	NEW-P	04-03-085
296-302-06523	REP-P	04-03-085	296-803-50030	NEW-P	04-03-102	296-806-30030	NEW-P	04-03-085
296-302-06525	REP-P	04-03-085	296-803-50035	NEW-P	04-03-102	296-806-30032	NEW-P	04-03-085
296-302-06527	REP-P	04-03-085	296-803-50040	NEW-P	04-03-102	296-806-30034	NEW-P	04-03-085
296-302-06529	REP-P	04-03-085	296-803-50045	NEW-P	04-03-102	296-806-30036	NEW-P	04-03-085
296-302-06531	REP-P	04-03-085	296-803-50050	NEW-P	04-03-102	296-806-30038	NEW-P	04-03-085
296-303-030	AMD-P	04-03-085	296-803-50055	NEW-P	04-03-102	296-806-400	NEW-P	04-03-085
296-305-01515	AMD	04-07-160	296-803-50060	NEW-P	04-03-102	296-806-405	NEW-P	04-03-085
296-305-04501	PREP	04-08-090	296-803-600	NEW-P	04-03-102	296-806-40502	NEW-P	04-03-085
296-305-06519	AMD-P	04-03-085	296-803-60005	NEW-P	04-03-102	296-806-40504	NEW-P	04-03-085
296-307-039	AMD	04-07-160	296-803-60010	NEW-P	04-03-102	296-806-40506	NEW-P	04-03-085
296-307-03905	AMD	04-07-160	296-803-60015	NEW-P	04-03-102	296-806-40508	NEW-P	04-03-085
296-307-03910	REP	04-07-160	296-803-700	NEW-P	04-03-102	296-806-40510	NEW-P	04-03-085
296-307-03915	REP	04-07-160	296-803-70005	NEW-P	04-03-102	296-806-40512	NEW-P	04-03-085
296-307-03925	REP	04-07-160	296-803-70010	NEW-P	04-03-102	296-806-40514	NEW-P	04-03-085
296-307-14505	AMD-X	04-07-162	296-803-70015	NEW-P	04-03-102	296-806-40516	NEW-P	04-03-085
296-307-14510	AMD-X	04-07-162	296-803-800	NEW-P	04-03-102	296-806-40518	NEW-P	04-03-085
296-400A-005	AMD-P	04-08-089	296-806-100	NEW-P	04-03-085	296-806-40520	NEW-P	04-03-085
296-400A-020	AMD-P	04-08-089	296-806-200	NEW-P	04-03-085	296-806-40522	NEW-P	04-03-085
296-400A-021	AMD-P	04-08-089	296-806-20002	NEW-P	04-03-085	296-806-40524	NEW-P	04-03-085
296-400A-023	NEW-P	04-08-089	296-806-20004	NEW-P	04-03-085	296-806-40526	NEW-P	04-03-085
296-400A-026	AMD-P	04-08-089	296-806-20006	NEW-P	04-03-085	296-806-410	NEW-P	04-03-085
296-400A-028	NEW-P	04-08-089	296-806-20008	NEW-P	04-03-085	296-806-41002	NEW-P	04-03-085
296-400A-029	NEW-P	04-08-089	296-806-20010	NEW-P	04-03-085	296-806-41004	NEW-P	04-03-085
296-400A-030	AMD-P	04-08-089	296-806-20012	NEW-P	04-03-085	296-806-415	NEW-P	04-03-085
296-400A-031	AMD-P	04-08-089	296-806-20014	NEW-P	04-03-085	296-806-41502	NEW-P	04-03-085
296-400A-035	AMD-P	04-08-089	296-806-20016	NEW-P	04-03-085	296-806-41504	NEW-P	04-03-085
296-400A-045	AMD-P	04-08-089	296-806-20018	NEW-P	04-03-085	296-806-41506	NEW-P	04-03-085
296-400A-120	AMD-P	04-08-089	296-806-20020	NEW-P	04-03-085	296-806-41508	NEW-P	04-03-085
296-400A-121	AMD-P	04-08-089	296-806-20022	NEW-P	04-03-085	296-806-420	NEW-P	04-03-085

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-806-48058	NEW-P	04-03-085	296-823-14015	AMD-X	04-07-158	296-843-300	NEW	04-02-053
296-806-48060	NEW-P	04-03-085	296-823-14025	AMD-X	04-07-158	296-863-10005	NEW-P	04-08-039
296-806-48062	NEW-P	04-03-085	296-823-14050	AMD-X	04-07-158	296-863-200	NEW-P	04-08-039
296-806-48064	NEW-P	04-03-085	296-823-14060	AMD-X	04-07-158	296-863-20005	NEW-P	04-08-039
296-806-48066	NEW-P	04-03-085	296-823-14065	AMD-X	04-07-158	296-863-20010	NEW-P	04-08-039
296-806-48068	NEW-P	04-03-085	296-823-15010	AMD-X	04-07-158	296-863-20015	NEW-P	04-08-039
296-806-48070	NEW-P	04-03-085	296-823-15015	AMD-X	04-07-158	296-863-20020	NEW-P	04-08-039
296-806-48072	NEW-P	04-03-085	296-823-15020	AMD-X	04-07-158	296-863-20025	NEW-P	04-08-039
296-806-48074	NEW-P	04-03-085	296-823-160	AMD-X	04-07-158	296-863-20030	NEW-P	04-08-039
296-806-48076	NEW-P	04-03-085	296-823-16005	AMD-X	04-07-158	296-863-20035	NEW-P	04-08-039
296-806-48078	NEW-P	04-03-085	296-823-16010	AMD-X	04-07-158	296-863-20040	NEW-P	04-08-039
296-806-48080	NEW-P	04-03-085	296-823-16015	AMD-X	04-07-158	296-863-300	NEW-P	04-08-039
296-806-48082	NEW-P	04-03-085	296-823-16025	AMD-X	04-07-158	296-863-30005	NEW-P	04-08-039
296-806-48084	NEW-P	04-03-085	296-823-16030	AMD-X	04-07-158	296-863-30010	NEW-P	04-08-039
296-806-48086	NEW-P	04-03-085	296-823-17010	AMD-X	04-07-158	296-863-30015	NEW-P	04-08-039
296-806-48088	NEW-P	04-03-085	296-823-180	AMD-X	04-07-158	296-863-30020	NEW-P	04-08-039
296-806-485	NEW-P	04-03-085	296-823-18015	AMD-X	04-07-158	296-863-30025	NEW-P	04-08-039
296-806-48502	NEW-P	04-03-085	296-823-18045	AMD-X	04-07-158	296-863-30030	NEW-P	04-08-039
296-806-500	NEW-P	04-03-085	296-823-18050	AMD-X	04-07-158	296-863-30035	NEW-P	04-08-039
296-809-100	NEW	04-03-081	296-823-18055	AMD-X	04-07-158	296-863-30040	NEW-P	04-08-039
296-809-200	NEW	04-03-081	296-823-200	AMD-X	04-07-158	296-863-400	NEW-P	04-08-039
296-809-20002	NEW	04-03-081	296-841	PREP	04-07-155	296-863-40005	NEW-P	04-08-039
296-809-20004	NEW	04-03-081	296-841	PREP	04-07-156	296-863-40010	NEW-P	04-08-039
296-809-20006	NEW	04-03-081	296-843-100	NEW	04-02-053	296-863-40015	NEW-P	04-08-039
296-809-300	NEW	04-03-081	296-843-110	NEW	04-02-053	296-863-40020	NEW-P	04-08-039
296-809-30002	NEW	04-03-081	296-843-11005	NEW	04-02-053	296-863-40025	NEW-P	04-08-039
296-809-30004	NEW	04-03-081	296-843-11010	NEW	04-02-053	296-863-40030	NEW-P	04-08-039
296-809-400	NEW	04-03-081	296-843-120	NEW	04-02-053	296-863-40035	NEW-P	04-08-039
296-809-40002	NEW	04-03-081	296-843-12005	NEW	04-02-053	296-863-40040	NEW-P	04-08-039
296-809-40004	NEW	04-03-081	296-843-130	NEW	04-02-053	296-863-40045	NEW-P	04-08-039
296-809-500	NEW	04-03-081	296-843-13005	NEW	04-02-053	296-863-40050	NEW-P	04-08-039
296-809-50002	NEW	04-03-081	296-843-13010	NEW	04-02-053	296-863-40055	NEW-P	04-08-039
296-809-50004	NEW	04-03-081	296-843-140	NEW	04-02-053	296-863-40060	NEW-P	04-08-039
296-809-50006	NEW	04-03-081	296-843-14005	NEW	04-02-053	296-863-40065	NEW-P	04-08-039
296-809-50008	NEW	04-03-081	296-843-150	NEW	04-02-053	296-863-500	NEW-P	04-08-039
296-809-50010	NEW	04-03-081	296-843-15005	NEW	04-02-053	296-863-50005	NEW-P	04-08-039
296-809-50012	NEW	04-03-081	296-843-15010	NEW	04-02-053	296-863-600	NEW-P	04-08-039
296-809-50014	NEW	04-03-081	296-843-15015	NEW	04-02-053	296-863-60005	NEW-P	04-08-039
296-809-50016	NEW	04-03-081	296-843-160	NEW	04-02-053	296-863-60010	NEW-P	04-08-039
296-809-50018	NEW	04-03-081	296-843-16005	NEW	04-02-053	296-863-60015	NEW-P	04-08-039
296-809-50020	NEW	04-03-081	296-843-170	NEW	04-02-053	296-863-700	NEW-P	04-08-039
296-809-50022	NEW	04-03-081	296-843-17005	NEW	04-02-053	308-13-150	PREP	04-06-030
296-809-50024	NEW	04-03-081	296-843-180	NEW	04-02-053	308-15	PREP	04-04-050
296-809-600	NEW	04-03-081	296-843-18005	NEW	04-02-053	308-17-150	AMD-P	04-07-032
296-809-60002	NEW	04-03-081	296-843-18010	NEW	04-02-053	308-18-150	AMD-P	04-07-031
296-809-60004	NEW	04-03-081	296-843-18015	NEW	04-02-053	308-20-010	AMD	04-05-005
296-809-700	NEW	04-03-081	296-843-18020	NEW	04-02-053	308-20-040	AMD	04-05-005
296-809-70002	NEW	04-03-081	296-843-190	NEW	04-02-053	308-20-055	NEW	04-05-005
296-809-70004	NEW	04-03-081	296-843-19005	NEW	04-02-053	308-20-090	AMD	04-05-005
296-809-800	NEW	04-03-081	296-843-200	NEW	04-02-053	308-20-101	NEW	04-05-005
296-816-100	NEW-P	04-07-159	296-843-20005	NEW	04-02-053	308-20-110	AMD	04-05-005
296-816-200	NEW-P	04-07-159	296-843-20010	NEW	04-02-053	308-20-550	AMD	04-05-005
296-816-20005	NEW-P	04-07-159	296-843-20015	NEW	04-02-053	308-20-555	NEW	04-05-005
296-816-20010	NEW-P	04-07-159	296-843-20020	NEW	04-02-053	308-56A	PREP	04-05-121
296-816-20015	NEW-P	04-07-159	296-843-20025	NEW	04-02-053	308-56A-020	AMD-P	04-04-006
296-816-20020	NEW-P	04-07-159	296-843-20030	NEW	04-02-053	308-56A-020	AMD	04-08-080
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296-823-11010	AMD-X	04-07-158	296-843-21005	NEW	04-02-053	308-56A-040	AMD-P	04-03-120
296-823-12010	AMD-X	04-07-158	296-843-220	NEW	04-02-053	308-56A-040	AMD	04-07-168
296-823-13005	AMD-X	04-07-158	296-843-22005	NEW	04-02-053	308-56A-140	AMD-P	04-04-006
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308- 96A-074	AMD	04-08-079	326- 02-010	AMD	04-08-093	356- 60-020	DECOD-P	04-07-188
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308- 99-040	AMD-P	04-07-047	326- 07-030	AMD-P	04-02-043	356- 60-050	REP-P	04-07-188
308- 99-040	AMD-W	04-08-001	326- 07-030	AMD	04-08-093	356- 60-055	AMD-P	04-07-188
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308-124A-440	AMD	04-08-012	326- 20-047	NEW	04-08-093	357- 10-020	NEW	04-07-052
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365-230-260	NEW-P	04-05-062	388- 27-0155	AMD	04-06-024	388-105-0030	AMD-W	04-06-056
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388- 11-205	PREP-W	04-07-112	388- 27-0190	AMD	04-06-024	388-105-0045	NEW-W	04-06-056
388- 14-045	PREP-W	04-07-112	388- 27-0195	AMD-E	04-03-018	388-105-0045	NEW-P	04-06-075
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388-140-0215	NEW-E	04-03-010D	388-140-0525	NEW-E	04-03-010D	388-148-0085	AMD	04-08-073
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388-140-0285	NEW-E	04-03-010D	388-140-0600	NEW-E	04-03-010D	388-148-0120	AMD	04-08-073
388-140-0290	NEW-E	04-03-010D	388-140-0605	NEW-E	04-03-010D	388-148-0125	AMD-P	04-03-116
388-140-0295	NEW-E	04-03-010D	388-140-0610	NEW-E	04-03-010D	388-148-0125	AMD-E	04-05-035
388-140-0300	NEW-E	04-03-010D	388-140-0615	NEW-E	04-03-010D	388-148-0125	AMD	04-08-073
388-140-0305	NEW-E	04-03-010D	388-140-0620	NEW-E	04-03-010D	388-148-0127	NEW-P	04-03-116
388-140-0310	NEW-E	04-03-010D	388-140-0625	NEW-E	04-03-010D	388-148-0127	NEW	04-08-073
388-140-0315	NEW-E	04-03-010D	388-140-0630	NEW-E	04-03-010D	388-148-0130	AMD-P	04-03-116
388-140-0320	NEW-E	04-03-010D	388-140-0635	NEW-E	04-03-010D	388-148-0130	AMD	04-08-073
388-140-0325	NEW-E	04-03-010D	388-148	AMD-P	04-03-116	388-148-0135	AMD-P	04-03-116
388-140-0330	NEW-E	04-03-010D	388-148	AMD	04-08-073	388-148-0135	AMD	04-08-073
388-140-0335	NEW-E	04-03-010D	388-148-0005	AMD-P	04-03-116	388-148-0140	AMD-P	04-03-116
388-140-0340	NEW-E	04-03-010D	388-148-0005	AMD	04-08-073	388-148-0140	AMD-E	04-05-035
388-140-0345	NEW-E	04-03-010D	388-148-0010	AMD-P	04-03-116	388-148-0140	AMD	04-08-073
388-140-0350	NEW-E	04-03-010D	388-148-0010	AMD	04-08-073	388-148-0150	AMD-P	04-03-116
388-140-0355	NEW-E	04-03-010D	388-148-0015	AMD-P	04-03-116	388-148-0150	AMD	04-08-073
388-140-0360	NEW-E	04-03-010D	388-148-0015	AMD	04-08-073	388-148-0165	AMD-P	04-03-116
388-140-0365	NEW-E	04-03-010D	388-148-0020	AMD-P	04-03-116	388-148-0165	AMD	04-08-073
388-140-0370	NEW-E	04-03-010D	388-148-0020	AMD	04-08-073	388-148-0170	AMD-P	04-03-116
388-140-0375	NEW-E	04-03-010D	388-148-0025	AMD-P	04-03-116	388-148-0170	AMD-E	04-05-035
388-140-0380	NEW-E	04-03-010D	388-148-0025	AMD	04-08-073	388-148-0170	AMD	04-08-073
388-140-0385	NEW-E	04-03-010D	388-148-0035	AMD-P	04-03-116	388-148-0180	AMD-P	04-03-116
388-140-0390	NEW-E	04-03-010D	388-148-0035	AMD-E	04-05-035	388-148-0180	AMD	04-08-073
388-140-0395	NEW-E	04-03-010D	388-148-0035	AMD	04-08-073	388-148-0185	AMD-P	04-03-116
388-140-0400	NEW-E	04-03-010D	388-148-0035	AMD	04-08-073	388-148-0185	AMD	04-08-073
388-140-0405	NEW-E	04-03-010D	388-148-0040	AMD-P	04-03-116	388-148-0200	AMD-P	04-03-116
388-140-0410	NEW-E	04-03-010D	388-148-0040	AMD-E	04-05-035	388-148-0200	AMD	04-08-073
388-140-0415	NEW-E	04-03-010D	388-148-0045	AMD-P	04-03-116	388-148-0210	AMD-P	04-03-116
388-140-0420	NEW-E	04-03-010D	388-148-0045	AMD-E	04-05-035	388-148-0210	AMD	04-08-073
388-140-0425	NEW-E	04-03-010D	388-148-0045	AMD	04-08-073	388-148-0220	AMD-P	04-03-116
388-140-0430	NEW-E	04-03-010D	388-148-0050	AMD-P	04-03-116	388-148-0220	AMD-E	04-05-035
388-140-0435	NEW-E	04-03-010D	388-148-0050	AMD-E	04-05-035	388-148-0220	AMD	04-08-073
388-140-0440	NEW-E	04-03-010D	388-148-0050	AMD	04-08-073	388-148-0225	AMD-P	04-03-116
388-140-0445	NEW-E	04-03-010D	388-148-0055	AMD-P	04-03-116	388-148-0225	AMD	04-08-073
388-140-0450	NEW-E	04-03-010D	388-148-0055	AMD	04-08-073	388-148-0230	AMD-P	04-03-116
388-140-0455	NEW-E	04-03-010D	388-148-0058	NEW-P	04-03-116	388-148-0230	AMD	04-08-073
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388-140-0465	NEW-E	04-03-010D	388-148-0058	NEW	04-08-073	388-148-0235	AMD	04-08-073
388-140-0470	NEW-E	04-03-010D	388-148-0060	AMD-P	04-03-116	388-148-0240	AMD-P	04-03-116
388-140-0475	NEW-E	04-03-010D	388-148-0060	AMD-E	04-05-035	388-148-0240	AMD	04-08-073
388-140-0480	NEW-E	04-03-010D	388-148-0060	AMD	04-08-073	388-148-0245	AMD-P	04-03-116
388-140-0485	NEW-E	04-03-010D	388-148-0065	AMD-P	04-03-116	388-148-0245	AMD	04-08-073

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388-148-0250	AMD	04-08-073	388-148-0445	AMD-P	04-03-116	388-148-0635	REP	04-08-073
388-148-0255	AMD-P	04-03-116	388-148-0445	AMD	04-08-073	388-148-0640	AMD-P	04-03-116
388-148-0255	AMD	04-08-073	388-148-0450	REP-P	04-03-116	388-148-0640	AMD	04-08-073
388-148-0260	AMD-P	04-03-116	388-148-0450	REP	04-08-073	388-148-0645	AMD-P	04-03-116
388-148-0260	AMD-E	04-05-035	388-148-0455	AMD-P	04-03-116	388-148-0645	AMD	04-08-073
388-148-0260	AMD	04-08-073	388-148-0455	AMD	04-08-073	388-148-0650	REP-P	04-03-116
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388-148-0265	AMD	04-08-073	388-148-0460	AMD-E	04-05-035	388-148-0655	AMD-P	04-03-116
388-148-0270	AMD-P	04-03-116	388-148-0460	AMD	04-08-073	388-148-0655	AMD	04-08-073
388-148-0270	AMD-E	04-05-035	388-148-0462	NEW-E	04-05-035	388-148-0660	AMD-P	04-03-116
388-148-0270	AMD	04-08-073	388-148-0470	AMD-P	04-03-116	388-148-0660	AMD	04-08-073
388-148-0275	AMD-P	04-03-116	388-148-0470	AMD	04-08-073	388-148-0670	AMD-P	04-03-116
388-148-0275	AMD	04-08-073	388-148-0480	AMD-P	04-03-116	388-148-0670	AMD	04-08-073
388-148-0285	REP-P	04-03-116	388-148-0480	AMD	04-08-073	388-148-0685	AMD-P	04-03-116
388-148-0285	REP	04-08-073	388-148-0485	AMD-P	04-03-116	388-148-0685	AMD	04-08-073
388-148-0300	AMD-P	04-03-116	388-148-0485	AMD	04-08-073	388-148-0695	AMD-P	04-03-116
388-148-0300	AMD	04-08-073	388-148-0487	NEW-P	04-03-116	388-148-0695	AMD	04-08-073
388-148-0305	AMD-P	04-03-116	388-148-0487	NEW	04-08-073	388-148-0700	AMD-P	04-03-116
388-148-0305	AMD	04-08-073	388-148-0488	NEW-P	04-03-116	388-148-0700	AMD-E	04-05-035
388-148-0315	AMD-P	04-03-116	388-148-0488	NEW	04-08-073	388-148-0700	AMD	04-08-073
388-148-0315	AMD	04-08-073	388-148-0490	AMD-P	04-03-116	388-148-0705	AMD-P	04-03-116
388-148-0320	AMD-P	04-03-116	388-148-0490	AMD	04-08-073	388-148-0705	AMD	04-08-073
388-148-0320	AMD	04-08-073	388-148-0500	REP-P	04-03-116	388-148-0710	AMD-P	04-03-116
388-148-0325	AMD-P	04-03-116	388-148-0500	REP	04-08-073	388-148-0710	AMD	04-08-073
388-148-0325	AMD	04-08-073	388-148-0520	AMD-P	04-03-116	388-148-0715	AMD-P	04-03-116
388-148-0335	AMD-P	04-03-116	388-148-0520	AMD-E	04-05-035	388-148-0715	AMD	04-08-073
388-148-0335	AMD-E	04-05-035	388-148-0520	AMD	04-08-073	388-148-0718	NEW-P	04-03-116
388-148-0335	AMD	04-08-073	388-148-0525	AMD-P	04-03-116	388-148-0718	NEW	04-08-073
388-148-0340	AMD-P	04-03-116	388-148-0525	AMD	04-08-073	388-148-0720	AMD-P	04-03-116
388-148-0340	AMD	04-08-073	388-148-0535	AMD-P	04-03-116	388-148-0720	AMD-E	04-05-035
388-148-0345	AMD-P	04-03-116	388-148-0535	AMD	04-08-073	388-148-0720	AMD	04-08-073
388-148-0345	AMD-E	04-05-035	388-148-0540	AMD-P	04-03-116	388-148-0722	NEW-P	04-03-116
388-148-0345	AMD	04-08-073	388-148-0540	AMD	04-08-073	388-148-0722	NEW-E	04-05-035
388-148-0350	AMD-P	04-03-116	388-148-0541	NEW-P	04-03-116	388-148-0722	NEW	04-08-073
388-148-0350	AMD-E	04-05-035	388-148-0541	NEW	04-08-073	388-148-0725	AMD-P	04-03-116
388-148-0350	AMD	04-08-073	388-148-0542	NEW-P	04-03-116	388-148-0725	AMD-E	04-05-035
388-148-0352	NEW-P	04-03-116	388-148-0542	NEW-E	04-05-035	388-148-0725	AMD	04-08-073
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388-148-0355	AMD-P	04-03-116	388-148-0555	AMD-P	04-03-116	388-148-0730	AMD	04-08-073
388-148-0355	AMD	04-08-073	388-148-0555	AMD	04-08-073	388-148-0735	REP-P	04-03-116
388-148-0360	REP-P	04-03-116	388-148-0560	AMD-P	04-03-116	388-148-0735	REP	04-08-073
388-148-0360	REP	04-08-073	388-148-0560	AMD-E	04-05-035	388-148-0750	AMD-P	04-03-116
388-148-0365	AMD-P	04-03-116	388-148-0560	AMD	04-08-073	388-148-0750	AMD	04-08-073
388-148-0365	AMD	04-08-073	388-148-0585	AMD-P	04-03-116	388-148-0765	AMD-P	04-03-116
388-148-0375	AMD-P	04-03-116	388-148-0585	AMD-E	04-05-035	388-148-0765	AMD	04-08-073
388-148-0375	AMD	04-08-073	388-148-0585	AMD	04-08-073	388-148-0775	AMD-P	04-03-116
388-148-0380	AMD-P	04-03-116	388-148-0600	AMD-P	04-03-116	388-148-0775	AMD	04-08-073
388-148-0380	AMD	04-08-073	388-148-0600	AMD	04-08-073	388-148-0785	AMD-P	04-03-116
388-148-0385	AMD-P	04-03-116	388-148-0605	AMD-P	04-03-116	388-148-0785	AMD-E	04-05-035
388-148-0385	AMD	04-08-073	388-148-0605	AMD	04-08-073	388-148-0785	AMD	04-08-073
388-148-0395	AMD-P	04-03-116	388-148-0610	AMD-P	04-03-116	388-148-0795	AMD-P	04-03-116
388-148-0395	AMD-E	04-05-035	388-148-0610	AMD	04-08-073	388-148-0795	AMD	04-08-073
388-148-0395	AMD	04-08-073	388-148-0615	REP-P	04-03-116	388-148-0800	AMD-P	04-03-116
388-148-0400	AMD-P	04-03-116	388-148-0615	REP	04-08-073	388-148-0800	AMD	04-08-073
388-148-0400	AMD	04-08-073	388-148-0620	AMD-P	04-03-116	388-148-0805	AMD-P	04-03-116
388-148-0422	NEW-P	04-03-116	388-148-0620	AMD	04-08-073	388-148-0805	AMD	04-08-073
388-148-0422	NEW	04-08-073	388-148-0625	AMD-P	04-03-116	388-148-0810	AMD-P	04-03-116
388-148-0425	AMD-P	04-03-116	388-148-0625	AMD	04-08-073	388-148-0810	AMD	04-08-073
388-148-0425	AMD	04-08-073	388-148-0630	REP-P	04-03-116	388-148-0830	AMD-P	04-03-116
388-148-0427	NEW-E	04-05-035	388-148-0630	AMD-E	04-05-035	388-148-0830	AMD	04-08-073
388-148-0430	AMD-P	04-03-116	388-148-0630	REP	04-08-073	388-148-0860	AMD-P	04-03-116

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388-148-0870	AMD-P	04-03-116	388-148-1085	AMD-P	04-03-116	388-155-140	REP-P	04-07-134
388-148-0870	AMD	04-08-073	388-148-1085	AMD	04-08-073	388-155-150	REP-P	04-07-134
388-148-0875	AMD-P	04-03-116	388-148-1115	AMD-P	04-03-116	388-155-160	REP-P	04-07-134
388-148-0875	AMD	04-08-073	388-148-1115	AMD-E	04-05-035	388-155-165	REP-P	04-07-134
388-148-0880	AMD-P	04-03-116	388-148-1115	AMD	04-08-073	388-155-170	REP-P	04-07-134
388-148-0880	AMD-E	04-05-035	388-148-1120	AMD-P	04-03-116	388-155-180	REP-P	04-07-134
388-148-0880	AMD	04-08-073	388-148-1120	AMD-E	04-05-035	388-155-190	REP-P	04-07-134
388-148-0885	AMD-P	04-03-116	388-148-1120	AMD	04-08-073	388-155-200	REP-P	04-07-134
388-148-0885	AMD	04-08-073	388-148-1205	NEW-P	04-03-116	388-155-220	REP-P	04-07-134
388-148-0890	AMD-P	04-03-116	388-148-1205	NEW	04-08-073	388-155-230	REP-P	04-07-134
388-148-0890	AMD	04-08-073	388-148-1210	NEW-P	04-03-116	388-155-240	REP-P	04-07-134
388-148-0892	NEW-P	04-03-116	388-148-1210	NEW	04-08-073	388-155-250	REP-P	04-07-134
388-148-0892	NEW-E	04-05-035	388-148-1215	NEW-P	04-03-116	388-155-270	REP-P	04-07-134
388-148-0892	NEW	04-08-073	388-148-1215	NEW	04-08-073	388-155-280	REP-P	04-07-134
388-148-0895	AMD-P	04-03-116	388-148-1220	NEW-P	04-03-116	388-155-290	REP-P	04-07-134
388-148-0895	AMD	04-08-073	388-148-1220	NEW	04-08-073	388-155-295	REP-P	04-07-134
388-148-0900	AMD-P	04-03-116	388-148-1225	NEW-P	04-03-116	388-155-310	REP-P	04-07-134
388-148-0900	AMD	04-08-073	388-148-1225	NEW	04-08-073	388-155-320	REP-P	04-07-134
388-148-0905	AMD-P	04-03-116	388-148-1225	NEW	04-08-073	388-155-330	REP-P	04-07-134
388-148-0905	AMD	04-08-073	388-148-1230	NEW-P	04-03-116	388-155-340	REP-P	04-07-134
388-148-0915	AMD-P	04-03-116	388-148-1230	NEW	04-08-073	388-155-350	REP-P	04-07-134
388-148-0915	AMD-E	04-05-035	388-148-1235	NEW-P	04-03-116	388-155-360	REP-P	04-07-134
388-148-0915	AMD	04-08-073	388-148-1235	NEW	04-08-073	388-155-370	REP-P	04-07-134
388-148-0935	REP-P	04-03-116	388-148-1240	NEW-P	04-03-116	388-155-380	REP-P	04-07-134
388-148-0935	REP	04-08-073	388-148-1240	NEW	04-08-073	388-155-390	REP-P	04-07-134
388-148-0995	AMD-P	04-03-116	388-148-1245	NEW-P	04-03-116	388-155-400	REP-P	04-07-134
388-148-0995	AMD-E	04-05-035	388-148-1245	NEW	04-08-073	388-155-410	REP-P	04-07-134
388-148-0995	AMD	04-08-073	388-148-1250	NEW-P	04-03-116	388-155-420	REP-P	04-07-134
388-148-1020	REP-P	04-03-116	388-148-1250	NEW	04-08-073	388-155-430	REP-P	04-07-134
388-148-1020	REP	04-08-073	388-148-1255	NEW-P	04-03-116	388-155-440	REP-P	04-07-134
388-148-1025	AMD-P	04-03-116	388-148-1255	NEW	04-08-073	388-155-450	REP-P	04-07-134
388-148-1025	AMD	04-08-073	388-148-1260	NEW-P	04-03-116	388-155-460	REP-P	04-07-134
388-148-1030	AMD-P	04-03-116	388-148-1260	NEW	04-08-073	388-155-470	REP-P	04-07-134
388-148-1030	AMD	04-08-073	388-148-1265	NEW-P	04-03-116	388-155-480	REP-P	04-07-134
388-148-1035	AMD-P	04-03-116	388-148-1265	NEW	04-08-073	388-155-490	REP-P	04-07-134
388-148-1035	AMD	04-08-073	388-148-1270	NEW-P	04-03-116	388-155-500	REP-P	04-07-134
388-148-1045	AMD-P	04-03-116	388-148-1270	NEW	04-08-073	388-155-600	REP-P	04-07-134
388-148-1045	AMD	04-08-073	388-148-1275	NEW-P	04-03-116	388-155-605	REP-P	04-07-134
388-148-1050	AMD-P	04-03-116	388-148-1275	NEW	04-08-073	388-155-610	REP-P	04-07-134
388-148-1050	AMD	04-08-073	388-148-1280	NEW-P	04-03-116	388-155-620	REP-P	04-07-134
388-148-1060	AMD-P	04-03-116	388-148-1280	NEW	04-08-073	388-155-630	REP-P	04-07-134
388-148-1060	AMD-E	04-05-035	388-155-005	REP-P	04-07-134	388-155-640	REP-P	04-07-134
388-148-1060	AMD	04-08-073	388-155-010	REP-P	04-07-134	388-155-650	REP-P	04-07-134
388-148-1065	REP-P	04-03-116	388-155-020	REP-P	04-07-134	388-155-660	REP-P	04-07-134
388-148-1065	REP	04-08-073	388-155-040	REP-P	04-07-134	388-155-670	REP-P	04-07-134
388-148-1066	NEW-P	04-03-116	388-155-050	REP-P	04-07-134	388-155-680	REP-P	04-07-134
388-148-1066	NEW	04-08-073	388-155-060	REP-P	04-07-134	388-155-991	REP-P	04-07-134
388-148-1070	AMD-P	04-03-116	388-155-070	REP-P	04-07-134	388-155-992	REP-P	04-07-134
388-148-1070	AMD-E	04-05-035	388-155-080	REP-P	04-07-134	388-155-993	REP-P	04-07-134
388-148-1070	AMD	04-08-073	388-155-085	REP-P	04-07-134	388-273-0025	AMD-E	04-03-097
388-148-1076	NEW-P	04-03-116	388-155-090	REP-P	04-07-134	388-273-0025	AMD-P	04-07-089
388-148-1076	NEW-E	04-05-035	388-155-092	REP-P	04-07-134	388-273-0030	AMD-E	04-03-097
388-148-1076	NEW	04-08-073	388-155-093	REP-P	04-07-134	388-273-0030	AMD-P	04-07-089
388-148-1077	NEW-P	04-03-116	388-155-094	REP-P	04-07-134	388-273-0035	AMD-E	04-03-097
388-148-1077	NEW-E	04-05-035	388-155-095	REP-P	04-07-134	388-273-0035	AMD-P	04-07-089
388-148-1077	NEW	04-08-073	388-155-096	REP-P	04-07-134	388-290-0001	AMD-P	04-02-047
388-148-1078	NEW-P	04-03-116	388-155-097	REP-P	04-07-134	388-290-0001	AMD	04-08-021
388-148-1078	NEW-E	04-05-035	388-155-098	REP-P	04-07-134	388-290-0001	AMD	04-08-134
388-148-1078	NEW	04-08-073	388-155-100	REP-P	04-07-134	388-290-0005	AMD-P	04-02-047
388-148-1079	NEW-P	04-03-116	388-155-110	REP-P	04-07-134	388-290-0005	AMD	04-08-021
388-148-1079	NEW-E	04-05-035	388-155-120	REP-P	04-07-134	388-290-0005	AMD	04-08-134

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388-290-0010	AMD	04-08-021	388-290-0090	AMD	04-08-021	388-290-0190	AMD	04-08-021
388-290-0010	AMD	04-08-134	388-290-0090	AMD	04-08-134	388-290-0190	AMD	04-08-134
388-290-0012	NEW-P	04-02-047	388-290-0095	AMD-P	04-02-047	388-290-0200	AMD-P	04-02-047
388-290-0012	NEW	04-08-021	388-290-0095	AMD	04-08-021	388-290-0200	AMD	04-08-021
388-290-0012	NEW	04-08-134	388-290-0095	AMD	04-08-134	388-290-0200	AMD	04-08-134
388-290-0015	AMD-P	04-02-047	388-290-0100	AMD-P	04-02-047	388-290-0205	AMD-P	04-02-047
388-290-0015	AMD	04-08-021	388-290-0100	AMD	04-08-021	388-290-0205	AMD	04-08-021
388-290-0015	AMD	04-08-134	388-290-0100	AMD	04-08-134	388-290-0205	AMD	04-08-134
388-290-0020	AMD-P	04-02-047	388-290-0105	AMD-P	04-02-047	388-290-0210	REP-P	04-02-047
388-290-0020	AMD	04-08-021	388-290-0105	AMD	04-08-021	388-290-0210	REP-E	04-05-079
388-290-0020	AMD	04-08-134	388-290-0105	AMD	04-08-134	388-290-0210	REP	04-08-021
388-290-0025	AMD-P	04-02-047	388-290-0107	NEW-P	04-02-047	388-290-0210	REP	04-08-134
388-290-0025	AMD	04-08-021	388-290-0107	NEW	04-08-021	388-290-0220	AMD-P	04-02-047
388-290-0025	AMD	04-08-134	388-290-0107	NEW	04-08-134	388-290-0220	AMD	04-08-021
388-290-0030	AMD-P	04-02-047	388-290-0108	NEW-P	04-02-047	388-290-0220	AMD	04-08-134
388-290-0030	AMD	04-08-021	388-290-0108	NEW	04-08-021	388-290-0225	AMD-P	04-02-047
388-290-0030	AMD	04-08-134	388-290-0108	NEW	04-08-134	388-290-0225	AMD	04-08-021
388-290-0031	NEW-P	04-02-047	388-290-0110	AMD-P	04-02-047	388-290-0225	AMD	04-08-134
388-290-0031	NEW	04-08-021	388-290-0110	AMD	04-08-021	388-290-0230	AMD-P	04-02-047
388-290-0031	NEW	04-08-134	388-290-0110	AMD	04-08-134	388-290-0230	AMD	04-08-021
388-290-0032	NEW-P	04-02-047	388-290-0120	AMD-P	04-02-047	388-290-0230	AMD	04-08-134
388-290-0032	NEW	04-08-021	388-290-0120	AMD	04-08-021	388-290-0235	AMD-P	04-02-047
388-290-0032	NEW	04-08-134	388-290-0120	AMD	04-08-134	388-290-0235	AMD	04-08-021
388-290-0035	AMD-P	04-02-047	388-290-0125	AMD-P	04-02-047	388-290-0235	AMD	04-08-134
388-290-0035	AMD	04-08-021	388-290-0125	AMD	04-08-021	388-290-0245	AMD-P	04-02-047
388-290-0035	AMD	04-08-134	388-290-0125	AMD	04-08-134	388-290-0245	AMD	04-08-021
388-290-0040	AMD-P	04-02-047	388-290-0130	AMD-P	04-02-047	388-290-0245	AMD	04-08-134
388-290-0040	AMD	04-08-021	388-290-0130	AMD-E	04-04-030	388-290-0247	NEW-P	04-02-047
388-290-0040	AMD	04-08-134	388-290-0130	AMD	04-08-021	388-290-0247	NEW	04-08-021
388-290-0045	AMD-P	04-02-047	388-290-0130	AMD	04-08-134	388-290-0247	NEW	04-08-134
388-290-0045	AMD	04-08-021	388-290-0135	AMD-P	04-02-047	388-290-0250	AMD-P	04-02-047
388-290-0045	AMD	04-08-134	388-290-0135	AMD	04-08-021	388-290-0250	AMD	04-08-021
388-290-0050	AMD-P	04-02-047	388-290-0135	AMD	04-08-134	388-290-0250	AMD	04-08-134
388-290-0050	AMD	04-08-021	388-290-0140	AMD-P	04-02-047	388-290-0255	AMD-P	04-02-047
388-290-0050	AMD	04-08-134	388-290-0140	AMD	04-08-021	388-290-0255	AMD	04-08-021
388-290-0055	AMD-P	04-02-047	388-290-0140	AMD	04-08-134	388-290-0255	AMD	04-08-134
388-290-0055	AMD	04-08-021	388-290-0143	AMD-P	04-02-047	388-290-0260	AMD-P	04-02-047
388-290-0055	AMD	04-08-134	388-290-0143	AMD	04-08-021	388-290-0260	AMD	04-08-021
388-290-0060	AMD-P	04-02-047	388-290-0143	AMD	04-08-134	388-290-0260	AMD	04-08-134
388-290-0060	AMD	04-08-021	388-290-0145	AMD-P	04-02-047	388-290-0265	AMD-P	04-02-047
388-290-0060	AMD	04-08-134	388-290-0145	AMD	04-08-021	388-290-0265	AMD	04-08-021
388-290-0065	AMD-P	04-02-047	388-290-0145	AMD	04-08-134	388-290-0265	AMD	04-08-134
388-290-0065	AMD	04-08-021	388-290-0150	AMD-P	04-02-047	388-290-0270	AMD-P	04-02-047
388-290-0065	AMD	04-08-134	388-290-0150	AMD	04-08-021	388-290-0270	AMD	04-08-021
388-290-0070	AMD-P	04-02-047	388-290-0150	AMD	04-08-134	388-290-0270	AMD	04-08-134
388-290-0070	AMD	04-08-021	388-290-0155	AMD-P	04-02-047	388-290-0271	NEW-P	04-02-047
388-290-0070	AMD	04-08-134	388-290-0155	AMD	04-08-021	388-290-0271	NEW	04-08-021
388-290-0075	AMD-P	04-02-047	388-290-0155	AMD	04-08-134	388-290-0271	NEW	04-08-134
388-290-0075	AMD-E	04-05-079	388-290-0160	AMD-P	04-02-047	388-290-0273	NEW-P	04-02-047
388-290-0075	AMD	04-08-021	388-290-0160	AMD	04-08-021	388-290-0273	NEW	04-08-021
388-290-0075	AMD	04-08-134	388-290-0160	AMD	04-08-134	388-290-0273	NEW	04-08-134
388-290-0080	REP-P	04-02-047	388-290-0165	AMD-P	04-02-047	388-295-0020	AMD-P	04-05-084
388-290-0080	REP	04-08-021	388-290-0165	AMD	04-08-021	388-295-0060	AMD-P	04-05-084
388-290-0080	REP	04-08-134	388-290-0165	AMD	04-08-134	388-295-0070	AMD-P	04-05-084
388-290-0082	NEW-P	04-02-047	388-290-0167	AMD-P	04-02-047	388-295-0090	AMD-P	04-05-084
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388-290-0085	AMD-E	04-05-079	388-290-0180	AMD	04-08-021	388-295-1110	AMD-P	04-05-084
388-290-0085	AMD	04-08-021	388-290-0180	AMD	04-08-134	388-295-2010	AMD-P	04-05-084
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388-295-3010	AMD-P	04-05-084	388-296-0620	NEW-P	04-07-134	388-296-1280	NEW-P	04-07-134
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388-295-7050	AMD-P	04-05-084	388-296-0730	NEW-P	04-07-134	388-296-1360	NEW-P	04-07-134
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388-296-0020	NEW-P	04-07-134	388-296-0750	NEW-P	04-07-134	388-296-1380	NEW-P	04-07-134
388-296-0110	NEW-P	04-07-134	388-296-0760	NEW-P	04-07-134	388-296-1390	NEW-P	04-07-134
388-296-0120	NEW-P	04-07-134	388-296-0770	NEW-P	04-07-134	388-296-1400	NEW-P	04-07-134
388-296-0125	NEW-P	04-07-134	388-296-0780	NEW-P	04-07-134	388-296-1410	NEW-P	04-07-134
388-296-0130	NEW-P	04-07-134	388-296-0790	NEW-P	04-07-134	388-296-1420	NEW-P	04-07-134
388-296-0140	NEW-P	04-07-134	388-296-0800	NEW-P	04-07-134	388-296-1430	NEW-P	04-07-134
388-296-0150	NEW-P	04-07-134	388-296-0810	NEW-P	04-07-134	388-296-1440	NEW-P	04-07-134
388-296-0160	NEW-P	04-07-134	388-296-0820	NEW-P	04-07-134	388-296-1450	NEW-P	04-07-134
388-296-0170	NEW-P	04-07-134	388-296-0830	NEW-P	04-07-134	388-310-1500	AMD-C	04-02-058
388-296-0180	NEW-P	04-07-134	388-296-0840	NEW-P	04-07-134	388-310-1500	AMD	04-05-010
388-296-0190	NEW-P	04-07-134	388-296-0850	NEW-P	04-07-134	388-310-1600	AMD-P	04-03-095
388-296-0200	NEW-P	04-07-134	388-296-0860	NEW-P	04-07-134	388-310-1600	AMD	04-07-025
388-296-0210	NEW-P	04-07-134	388-296-0870	NEW-P	04-07-134	388-310-1650	AMD-P	04-03-095
388-296-0220	NEW-P	04-07-134	388-296-0880	NEW-P	04-07-134	388-310-1650	AMD	04-07-025
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388-296-0240	NEW-P	04-07-134	388-296-0900	NEW-P	04-07-134	388-310-2000	AMD	04-05-010
388-296-0250	NEW-P	04-07-134	388-296-0910	NEW-P	04-07-134	388-408-0015	PREP	04-07-164
388-296-0260	NEW-P	04-07-134	388-296-0920	NEW-P	04-07-134	388-408-0034	AMD-P	04-02-050
388-296-0270	NEW-P	04-07-134	388-296-0930	NEW-P	04-07-134	388-408-0034	AMD	04-06-025
388-296-0280	NEW-P	04-07-134	388-296-0940	NEW-P	04-07-134	388-408-0035	AMD-P	04-02-050
388-296-0290	NEW-P	04-07-134	388-296-0950	NEW-P	04-07-134	388-408-0035	AMD	04-06-025
388-296-0300	NEW-P	04-07-134	388-296-0960	NEW-P	04-07-134	388-410-0001	AMD-C	04-02-058
388-296-0310	NEW-P	04-07-134	388-296-0970	NEW-P	04-07-134	388-410-0001	AMD	04-05-010
388-296-0320	NEW-P	04-07-134	388-296-0980	NEW-P	04-07-134	388-414-0001	AMD-P	04-04-076
388-296-0330	NEW-P	04-07-134	388-296-0990	NEW-P	04-07-134	388-414-0001	AMD	04-07-139
388-296-0340	NEW-P	04-07-134	388-296-1000	NEW-P	04-07-134	388-414-0001	PREP	04-08-036
388-296-0350	NEW-P	04-07-134	388-296-1010	NEW-P	04-07-134	388-416-0015	AMD	04-03-019
388-296-0360	NEW-P	04-07-134	388-296-1020	NEW-P	04-07-134	388-416-0030	REP-P	04-04-074
388-296-0370	NEW-P	04-07-134	388-296-1030	NEW-P	04-07-134	388-416-0030	REP	04-07-141
388-296-0380	NEW-P	04-07-134	388-296-1040	NEW-P	04-07-134	388-418-0005	AMD-W	04-02-052
388-296-0390	NEW-P	04-07-134	388-296-1050	NEW-P	04-07-134	388-418-0005	AMD-P	04-02-072
388-296-0400	NEW-P	04-07-134	388-296-1060	NEW-P	04-07-134	388-418-0005	AMD-E	04-02-073
388-296-0410	NEW-P	04-07-134	388-296-1070	NEW-P	04-07-134	388-418-0005	AMD	04-06-026
388-296-0420	NEW-P	04-07-134	388-296-1080	NEW-P	04-07-134	388-418-0025	AMD	04-03-019
388-296-0430	NEW-P	04-07-134	388-296-1090	NEW-P	04-07-134	388-426	PREP-W	04-03-052
388-296-0440	NEW-P	04-07-134	388-296-1100	NEW-P	04-07-134	388-426-0005	AMD	04-03-050
388-296-0450	NEW-P	04-07-134	388-296-1110	NEW-P	04-07-134	388-434-0005	AMD	04-03-019
388-296-0460	NEW-P	04-07-134	388-296-1120	NEW-P	04-07-134	388-434-0005	PREP	04-07-086
388-296-0470	NEW-P	04-07-134	388-296-1130	NEW-P	04-07-134	388-436-0002	AMD-P	04-02-049
388-296-0480	NEW-P	04-07-134	388-296-1140	NEW-P	04-07-134	388-436-0002	AMD-E	04-03-098
388-296-0490	NEW-P	04-07-134	388-296-1150	NEW-P	04-07-134	388-436-0002	AMD	04-07-023
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388-296-0510	NEW-P	04-07-134	388-296-1170	NEW-P	04-07-134	388-436-0015	AMD	04-05-013
388-296-0520	NEW-P	04-07-134	388-296-1180	NEW-P	04-07-134	388-436-0040	AMD-C	04-02-058
388-296-0530	NEW-P	04-07-134	388-296-1190	NEW-P	04-07-134	388-436-0040	AMD	04-05-010
388-296-0540	NEW-P	04-07-134	388-296-1200	NEW-P	04-07-134	388-438-0100	REP-P	04-04-074
388-296-0550	NEW-P	04-07-134	388-296-1210	NEW-P	04-07-134	388-438-0100	REP-E	04-06-023
388-296-0560	NEW-P	04-07-134	388-296-1220	NEW-P	04-07-134	388-438-0100	REP	04-07-141
388-296-0570	NEW-P	04-07-134	388-296-1230	NEW-P	04-07-134	388-440	PREP-W	04-03-052
388-296-0580	NEW-P	04-07-134	388-296-1240	NEW-P	04-07-134	388-440-0001	AMD-C	04-02-058
388-296-0590	NEW-P	04-07-134	388-296-1250	NEW-P	04-07-134	388-440-0001	AMD	04-05-010
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388-448-0001	AMD-P	04-02-048	388-492-0080	AMD-E	04-05-003	388-533-0390	NEW-P	04-05-083
388-448-0001	AMD	04-07-140	388-492-0090	AMD-E	04-05-003	388-533-701	NEW-P	04-07-136
388-448-0010	AMD-P	04-02-048	388-492-0100	AMD-E	04-05-003	388-533-710	NEW-P	04-07-136
388-448-0010	AMD	04-07-140	388-492-0110	AMD-E	04-05-003	388-533-720	NEW-P	04-07-136
388-448-0020	AMD-P	04-02-048	388-492-0120	AMD-E	04-05-003	388-533-730	NEW-P	04-07-136
388-448-0020	AMD	04-07-140	388-492-0130	AMD-E	04-05-003	388-535	PREP	04-07-115
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388-448-0030	AMD	04-07-140	388-503-0505	AMD-P	04-04-074	388-535-1065	AMD-X	04-07-142
388-448-0120	AMD-P	04-02-048	388-503-0505	AMD-E	04-06-023	388-535A-0050	AMD-E	04-04-073
388-448-0120	AMD	04-07-140	388-503-0505	AMD	04-07-141	388-535A-0060	AMD-E	04-04-073
388-448-0160	AMD-P	04-02-048	388-505-0110	PREP	04-04-095	388-538-063	PREP	04-04-095
388-448-0160	AMD-E	04-02-051	388-505-0211	NEW	04-08-125	388-538-112	AMD-P	04-07-135
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388-448-0160	AMD	04-07-140	388-513-1315	AMD-E	04-08-019	388-542-0125	AMD	04-08-018
388-448-0170	REP-P	04-02-048	388-513-1350	AMD-C	04-02-056	388-542-0500	AMD	04-08-018
388-448-0170	REP-E	04-02-051	388-513-1350	AMD	04-04-072	388-544	PREP-W	04-04-031
388-448-0170	REP-E	04-03-010E	388-513-1380	AMD-C	04-02-056	388-544	PREP	04-07-087
388-448-0170	REP	04-07-140	388-513-1380	AMD	04-04-072	388-545	PREP-W	04-04-031
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388-448-0180	AMD	04-07-140	388-526	PREP	04-04-096	388-547	PREP-W	04-04-031
388-448-0190	REP-P	04-02-048	388-527-2700	AMD-P	04-05-082	388-550	PREP	04-03-092
388-448-0190	REP-E	04-02-051	388-527-2730	AMD-P	04-05-082	388-550-2800	PREP	04-03-091
388-448-0190	REP-E	04-03-010E	388-527-2733	AMD-P	04-05-082	388-550-2900	PREP	04-03-091
388-448-0190	REP	04-07-140	388-527-2740	AMD-P	04-05-082	388-550-3100	PREP	04-05-085A
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388-448-0200	AMD	04-07-140	388-527-2750	AMD-P	04-05-082	388-550-4900	PREP	04-03-090
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388-450-0005	AMD-C	04-02-058	388-527-2792	NEW-P	04-05-082	388-550-5100	PREP	04-03-090
388-450-0005	AMD-W	04-04-034	388-527-2795	AMD-P	04-05-082	388-550-5100	AMD-P	04-08-124
388-450-0100	PREP	04-05-034	388-529	PREP	04-06-054	388-550-5200	PREP	04-03-090
388-450-0165	AMD-C	04-02-058	388-530-1850	PREP	04-03-089	388-550-5200	AMD-P	04-08-124
388-450-0165	AMD	04-05-010	388-530-1850	AMD-P	04-07-137	388-550-5210	NEW-P	04-08-124
388-450-0170	AMD	04-03-051	388-532-001	NEW	04-05-011	388-550-5220	NEW-P	04-08-124
388-450-0190	AMD-P	04-04-075	388-532-050	AMD	04-05-011	388-551	PREP	04-02-061
388-450-0190	AMD	04-07-138	388-532-100	AMD	04-05-011	388-551	PREP-W	04-07-111
388-450-0215	AMD	04-06-052	388-532-110	NEW	04-05-011	388-551	PREP	04-07-114
388-450-0500	PREP	04-07-085	388-532-120	NEW	04-05-011	388-553-100	NEW-C	04-02-055
388-452-0005	AMD-P	04-06-040	388-532-130	NEW	04-05-011	388-553-200	NEW-C	04-02-055
388-454-0010	AMD-C	04-03-010F	388-532-140	NEW	04-05-011	388-553-300	NEW-C	04-02-055
388-454-0010	AMD	04-05-012	388-532-500	NEW	04-05-011	388-553-400	NEW-C	04-02-055
388-466-0130	AMD-C	04-02-058	388-532-510	NEW	04-05-011	388-553-500	NEW-C	04-02-055
388-466-0130	AMD	04-05-010	388-532-520	NEW	04-05-011	388-720-0020	AMD-C	04-02-059
388-472-0010	AMD-P	04-03-093	388-532-530	NEW	04-05-011	388-720-0020	AMD	04-05-080
388-478-0005	AMD-C	04-02-058	388-532-540	NEW	04-05-011	388-820-020	AMD	04-04-043
388-478-0005	AMD	04-05-010	388-532-550	NEW	04-05-011	388-820-030	AMD	04-04-043
388-478-0055	AMD-S	04-03-096	388-533-0300	AMD-P	04-05-083	388-820-050	AMD	04-04-043
388-478-0055	AMD	04-07-024	388-533-0310	NEW-P	04-05-083	388-820-056	NEW	04-04-043
388-478-0075	AMD-E	04-07-143	388-533-0315	NEW-P	04-05-083	388-820-060	AMD	04-04-043
388-478-0075	PREP	04-07-165	388-533-0320	NEW-P	04-05-083	388-820-070	AMD	04-04-043
388-478-0085	AMD-E	04-07-167	388-533-0325	NEW-P	04-05-083	388-820-076	NEW	04-04-043
388-484-0005	AMD-C	04-02-058	388-533-0330	NEW-P	04-05-083	388-820-086	NEW	04-04-043
388-484-0005	AMD	04-05-010	388-533-0340	NEW-P	04-05-083	388-820-090	AMD	04-04-043
388-492	PREP-W	04-04-094	388-533-0345	NEW-P	04-05-083	388-820-100	AMD	04-04-043
388-492	PREP	04-04-097	388-533-0350	REP-P	04-05-083	388-820-120	AMD	04-04-043
388-492-0010	REP-E	04-05-003	388-533-0360	NEW-P	04-05-083	388-820-230	AMD	04-04-043
388-492-0020	AMD-E	04-05-003	388-533-0365	NEW-P	04-05-083	388-820-260	AMD	04-04-043
388-492-0030	AMD-E	04-05-003	388-533-0370	NEW-P	04-05-083	388-820-290	AMD	04-04-043
388-492-0040	AMD-E	04-05-003	388-533-0375	NEW-P	04-05-083	388-820-300	AMD	04-04-043
388-492-0050	AMD-E	04-05-003	388-533-0380	NEW-P	04-05-083	388-820-310	AMD	04-04-043

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388-820-330	AMD	04-04-043	388-845-0015	NEW-E	04-08-020	388-845-1405	NEW-E	04-08-020
388-820-340	AMD	04-04-043	388-845-0020	NEW-E	04-08-020	388-845-1410	NEW-E	04-08-020
388-820-350	AMD	04-04-043	388-845-0025	NEW-E	04-08-020	388-845-1500	NEW-E	04-08-020
388-820-400	AMD	04-04-043	388-845-0030	NEW-E	04-08-020	388-845-1505	NEW-E	04-08-020
388-820-405	NEW	04-04-043	388-845-0035	NEW-E	04-08-020	388-845-1510	NEW-E	04-08-020
388-820-410	AMD	04-04-043	388-845-0040	NEW-E	04-08-020	388-845-1515	NEW-E	04-08-020
388-820-550	AMD	04-04-043	388-845-0045	NEW-E	04-08-020	388-845-1600	NEW-E	04-08-020
388-820-555	NEW	04-04-043	388-845-0050	NEW-E	04-08-020	388-845-1605	NEW-E	04-08-020
388-820-560	AMD	04-04-043	388-845-0055	NEW-E	04-08-020	388-845-1610	NEW-E	04-08-020
388-820-600	AMD	04-04-043	388-845-0060	NEW-E	04-08-020	388-845-1615	NEW-E	04-08-020
388-820-650	AMD	04-04-043	388-845-0065	NEW-E	04-08-020	388-845-1620	NEW-E	04-08-020
388-820-690	AMD	04-04-043	388-845-0070	NEW-E	04-08-020	388-845-1700	NEW-E	04-08-020
388-825	PREP	04-08-071	388-845-0075	NEW-E	04-08-020	388-845-1705	NEW-E	04-08-020
388-825-070	AMD-P	04-08-072	388-845-0080	NEW-E	04-08-020	388-845-1710	NEW-E	04-08-020
388-825-090	AMD-P	04-08-072	388-845-0085	NEW-E	04-08-020	388-845-1800	NEW-E	04-08-020
388-825-120	AMD-E	04-08-020	388-845-0090	NEW-E	04-08-020	388-845-1805	NEW-E	04-08-020
388-825-125	NEW-E	04-08-020	388-845-0095	NEW-E	04-08-020	388-845-1810	NEW-E	04-08-020
388-825-130	NEW-E	04-08-020	388-845-0100	NEW-E	04-08-020	388-845-1900	NEW-E	04-08-020
388-825-135	NEW-E	04-08-020	388-845-0105	NEW-E	04-08-020	388-845-1905	NEW-E	04-08-020
388-825-140	NEW-E	04-08-020	388-845-0110	NEW-E	04-08-020	388-845-1910	NEW-E	04-08-020
388-825-145	NEW-E	04-08-020	388-845-0115	NEW-E	04-08-020	388-845-2000	NEW-E	04-08-020
388-825-150	NEW-E	04-08-020	388-845-0120	NEW-E	04-08-020	388-845-2005	NEW-E	04-08-020
388-825-155	NEW-E	04-08-020	388-845-0200	NEW-E	04-08-020	388-845-2010	NEW-E	04-08-020
388-825-160	NEW-E	04-08-020	388-845-0205	NEW-E	04-08-020	388-845-2100	NEW-E	04-08-020
388-825-165	NEW-E	04-08-020	388-845-0210	NEW-E	04-08-020	388-845-2105	NEW-E	04-08-020
388-825-170	REP-E	04-08-020	388-845-0215	NEW-E	04-08-020	388-845-2110	NEW-E	04-08-020
388-825-180	REP-E	04-08-020	388-845-0220	NEW-E	04-08-020	388-845-2200	NEW-E	04-08-020
388-825-190	REP-E	04-08-020	388-845-0300	NEW-E	04-08-020	388-845-2205	NEW-E	04-08-020
388-825-260	REP-E	04-08-020	388-845-0305	NEW-E	04-08-020	388-845-2210	NEW-E	04-08-020
388-825-262	REP-E	04-08-020	388-845-0310	NEW-E	04-08-020	388-845-3000	NEW-E	04-08-020
388-825-264	REP-E	04-08-020	388-845-0400	NEW-E	04-08-020	388-845-3005	NEW-E	04-08-020
388-825-266	REP-E	04-08-020	388-845-0405	NEW-E	04-08-020	388-845-3010	NEW-E	04-08-020
388-825-268	REP-E	04-08-020	388-845-0410	NEW-E	04-08-020	388-845-3015	NEW-E	04-08-020
388-825-270	REP-E	04-08-020	388-845-0500	NEW-E	04-08-020	388-845-3020	NEW-E	04-08-020
388-825-272	REP-E	04-08-020	388-845-0505	NEW-E	04-08-020	388-845-3025	NEW-E	04-08-020
388-825-276	REP-E	04-08-020	388-845-0510	NEW-E	04-08-020	388-845-3030	NEW-E	04-08-020
388-825-278	REP-E	04-08-020	388-845-0600	NEW-E	04-08-020	388-845-3035	NEW-E	04-08-020
388-825-280	REP-E	04-08-020	388-845-0605	NEW-E	04-08-020	388-845-4000	NEW-E	04-08-020
388-825-282	REP-E	04-08-020	388-845-0610	NEW-E	04-08-020	388-845-4005	NEW-E	04-08-020
388-825-284	REP-E	04-08-020	388-845-0700	NEW-E	04-08-020	388-845-4010	NEW-E	04-08-020
388-825-300	NEW-E	04-08-020	388-845-0705	NEW-E	04-08-020	388-845-4015	NEW-E	04-08-020
388-825-305	NEW-E	04-08-020	388-845-0710	NEW-E	04-08-020	388-865	PREP	04-08-122
388-825-310	NEW-E	04-08-020	388-845-0800	NEW-E	04-08-020	388-865-0335	PREP	04-05-085
388-825-315	NEW-E	04-08-020	388-845-0805	NEW-E	04-08-020	388-865-0340	PREP	04-05-085
388-825-320	NEW-E	04-08-020	388-845-0810	NEW-E	04-08-020	388-865-0465	AMD-P	04-05-081
388-825-325	NEW-E	04-08-020	388-845-0820	NEW-E	04-08-020	388-865-0500	AMD	04-07-014
388-825-330	NEW-E	04-08-020	388-845-0900	NEW-E	04-08-020	388-865-0501	REP	04-07-014
388-825-335	NEW-E	04-08-020	388-845-0905	NEW-E	04-08-020	388-865-0502	REP	04-07-014
388-825-340	NEW-E	04-08-020	388-845-0910	NEW-E	04-08-020	388-865-0504	REP	04-07-014
388-825-345	NEW-E	04-08-020	388-845-1000	NEW-E	04-08-020	388-865-0505	REP	04-07-014
388-825-355	NEW-E	04-08-020	388-845-1010	NEW-E	04-08-020	388-865-0510	REP	04-07-014
388-825-360	NEW-E	04-08-020	388-845-1015	NEW-E	04-08-020	388-865-0511	NEW	04-07-014
388-825-365	NEW-E	04-08-020	388-845-1100	NEW-E	04-08-020	388-865-0515	REP	04-07-014
388-825-370	NEW-E	04-08-020	388-845-1105	NEW-E	04-08-020	388-865-0516	NEW	04-07-014
388-825-375	NEW-E	04-08-020	388-845-1110	NEW-E	04-08-020	388-865-0520	NEW	04-07-014
388-825-380	NEW-E	04-08-020	388-845-1200	NEW-E	04-08-020	388-865-0525	REP	04-07-014
388-825-385	NEW-E	04-08-020	388-845-1205	NEW-E	04-08-020	388-865-0526	NEW	04-07-014
388-825-390	NEW-E	04-08-020	388-845-1210	NEW-E	04-08-020	388-865-0530	REP	04-07-014
388-825-395	NEW-E	04-08-020	388-845-1300	NEW-E	04-08-020	388-865-0531	NEW	04-07-014
388-825-400	NEW-E	04-08-020	388-845-1305	NEW-E	04-08-020	388-865-0535	REP	04-07-014
388-827	PREP	04-08-070	388-845-1310	NEW-E	04-08-020	388-865-0536	NEW	04-07-014

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388-865-0541	NEW	04-07-014	392-143-030	AMD-P	04-05-055	434-112-025	NEW	04-04-018
388-865-0545	REP-W	04-08-028	392-143-030	AMD	04-08-117	434-112-030	NEW	04-04-018
388-865-0546	REP-W	04-08-028	392-143-031	AMD-P	04-05-055	434-112-040	NEW	04-04-018
388-865-0547	NEW	04-07-014	392-143-031	AMD	04-08-117	434-112-045	NEW	04-04-018
388-865-0550	REP	04-07-014	392-143-032	AMD-P	04-05-055	434-112-050	NEW	04-04-018
388-865-0551	NEW	04-07-014	392-143-032	AMD	04-08-117	434-112-065	NEW	04-04-018
388-865-0555	REP	04-07-014	392-143-050	AMD-P	04-05-055	434-112-070	NEW	04-04-018
388-865-0557	REP	04-07-014	392-143-050	AMD	04-08-117	434-112-075	NEW	04-04-018
388-865-0560	REP	04-07-014	392-143-061	REP-P	04-05-055	434-112-080	NEW	04-04-018
388-865-0561	NEW	04-07-014	392-143-061	REP	04-08-117	434-112-085	NEW	04-04-018
388-865-0565	REP	04-07-014	392-143-065	REP-P	04-05-055	434-112-090	NEW	04-04-018
388-865-0566	NEW	04-07-014	392-143-065	REP	04-08-117	434-112-095	NEW	04-04-018
388-865-0570	NEW	04-07-014	392-143-070	AMD-P	04-05-055	434-120-015	REP	04-04-018
388-865-0575	NEW	04-07-014	392-143-070	AMD	04-08-117	434-120-017	NEW	04-04-018
388-865-0580	NEW	04-07-014	392-143-080	AMD-P	04-05-055	434-120-020	REP	04-04-018
388-865-0585	NEW	04-07-014	392-143-080	AMD	04-08-117	434-120-025	AMD	04-04-018
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390-12-010	AMD-P	04-08-086	415-02-200	NEW	04-04-038	434-120-050	NEW	04-04-018
390-16-207	AMD-P	04-08-086	415-02-520	AMD-P	04-05-039	434-120-103	AMD	04-04-018
390-16-238	AMD-P	04-08-086	415-02-720	NEW	04-04-040	434-120-105	AMD	04-04-018
390-17-030	AMD-P	04-08-086	415-04-040	AMD-P	04-05-017	434-120-110	NEW	04-04-018
390-18-030	AMD-P	04-08-086	415-104-475	NEW	04-04-039	434-120-145	AMD	04-04-018
390-37-030	AMD-P	04-08-086	415-108-710	AMD	04-04-037	434-120-155	REP	04-04-018
390-37-041	AMD-E	04-07-049	415-110-010	AMD	04-04-041	434-120-160	AMD	04-04-018
390-37-041	AMD-P	04-08-086	415-110-680	AMD	04-04-041	434-120-170	AMD	04-04-018
392-121-124	AMD-P	04-08-127	415-110-685	NEW	04-04-041	434-120-212	AMD	04-04-018
392-136-020	PREP	04-06-048	415-110-710	AMD	04-04-037	434-120-215	AMD	04-04-018
392-140-600	AMD-P	04-04-005	415-110-728	AMD	04-04-041	434-120-240	AMD	04-04-018
392-140-600	AMD	04-08-118	415-110-910	AMD	04-04-041	434-120-250	AMD	04-04-018
392-140-605	AMD-P	04-04-005	415-112-430	AMD-P	04-05-063	434-120-260	AMD	04-04-018
392-140-605	AMD	04-08-118	434-12-005	NEW	04-04-018	434-120-305	AMD	04-04-018
392-140-608	AMD-P	04-04-005	434-12-010	REP	04-05-041	434-120-307	NEW	04-04-018
392-140-608	AMD	04-08-118	434-12-015	NEW	04-05-041	434-120-310	AMD	04-04-018
392-140-609	AMD-P	04-04-005	434-12-020	REP	04-05-041	434-120-320	REP	04-04-018
392-140-609	AMD	04-08-118	434-12-025	NEW	04-04-018	434-120-330	AMD	04-04-018
392-140-626	AMD-P	04-04-005	434-12-030	REP	04-05-041	434-120-345	NEW	04-04-018
392-140-626	AMD	04-08-118	434-12-040	REP	04-05-041	434-120-355	NEW	04-04-018
392-140-630	AMD-P	04-04-005	434-12-050	REP	04-05-041	434-120-360	NEW	04-04-018
392-140-630	AMD	04-08-118	434-12-060	REP	04-05-041	434-130-020	REP	04-04-018
392-140-640	AMD-P	04-04-005	434-12-070	REP	04-05-041	434-130-030	REP	04-04-018
392-140-640	AMD	04-08-118	434-12-080	REP	04-05-041	434-135-020	REP	04-04-018
392-140-643	AMD-P	04-04-005	434-12-090	REP	04-05-041	434-135-030	REP	04-04-018
392-140-643	AMD	04-08-118	434-12-100	REP	04-05-041	434-135-070	REP	04-04-018
392-140-646	AMD-P	04-04-005	434-12-110	REP	04-05-041	434-180-110	REP	04-04-018
392-140-646	AMD	04-08-118	434-12-120	REP	04-05-041	458-20-104	PREP	04-05-102
392-140-653	AMD-P	04-04-005	434-12-130	REP	04-05-041	458-20-186	PREP	04-03-101
392-140-653	AMD	04-08-118	434-12-140	REP	04-05-041	458-20-18601	PREP	04-03-101
392-142-115	REP-P	04-05-054	434-12-150	REP	04-05-041	458-20-207	AMD-X	04-08-009
392-142-115	REP	04-08-116	434-12-160	REP	04-05-041	458-20-252	PREP	04-02-070
392-142-130	REP-P	04-05-054	434-12-170	REP	04-05-041	458-20-265	PREP	04-02-070
392-142-130	REP	04-08-116	434-12-180	REP	04-05-041	458-40-640	PREP	04-06-065
392-142-135	REP-P	04-05-054	434-12-200	REP	04-05-041	458-40-660	PREP	04-06-064
392-142-135	REP	04-08-116	434-12-210	REP	04-05-041	460-42A-081	AMD	04-07-035
392-142-165	AMD-P	04-05-054	434-12-220	REP	04-05-041	463-06-040	REP	04-08-014
392-142-165	AMD	04-08-116	434-12-230	REP	04-05-041	463-39-005	AMD-X	04-05-058
392-142-205	AMD-P	04-05-054	434-110-070	REP	04-04-018	463-39-030	AMD-X	04-05-058
392-142-205	AMD	04-08-116	434-110-080	REP	04-04-018	463-39-090	AMD-X	04-05-058
392-143-010	AMD-P	04-05-055	434-110-090	REP	04-04-018	463-39-100	AMD-X	04-05-058
392-143-010	AMD	04-08-117	434-110-100	AMD	04-04-018	463-39-115	AMD-X	04-05-058
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468-95-315	NEW-P	04-05-016	516-60-010	NEW-P	04-03-073			
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468-100-306	AMD-X	04-03-113						
468-100-306	AMD	04-08-041						
468-310-020	PREP	04-03-011						
468-310-020	AMD-P	04-07-092						
468-310-050	PREP	04-03-011						
468-310-050	AMD-P	04-07-092						
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478-116-131	AMD-P	04-07-127						
478-116-141	AMD-P	04-07-127						
478-116-145	AMD-P	04-07-127						
478-116-161	AMD-P	04-07-127						
478-116-165	AMD-P	04-07-127						
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