

Washington State Register

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This issue contains documents officially
filed not later than September 20, 1995

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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 October 1995 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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

Mary F. Gallagher Dilley
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Editor

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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 six 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) **PERMANENT**-includes the full text of permanently adopted rules.
- (d) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (e) **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.
- (f) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (g) **INDEX**-includes a combined subject matter and agency index.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE 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].

1995 - 1996
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
95-16	Jul 5	Jul 19	Aug 2	Aug 16	Sep 5
95-17	Jul 26	Aug 9	Aug 23	Sep 6	Sep 26
95-18	Aug 9	Aug 23	Sep 6	Sep 20	Oct 10
95-19	Aug 23	Sep 6	Sep 20	Oct 4	Oct 24
95-20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
95-21	Sep 20	Oct 4	Oct 18	Nov 1	Nov 21
95-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
95-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
95-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1996
96-01	Nov 22	Dec 6	Dec 20, 1995	Jan 3, 1996	Jan 23
96-02	Dec 6	Dec 20, 1995	Jan 3, 1996	Jan 17	Feb 6
96-03	Dec 27, 1995	Jan 10, 1996	Jan 24	Feb 7	Feb 27
96-04	Jan 10	Jan 24	Feb 7	Feb 21	Mar 12
96-05	Jan 24	Feb 7	Feb 21	Mar 6	Mar 26
96-06	Feb 7	Feb 21	Mar 6	Mar 20	Apr 9
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96-11	Apr 24	May 8	May 22	Jun 5	Jun 25
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96-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
96-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
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96-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
96-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
96-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
96-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1997

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

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

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

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

There is less than minor economic impact on business;

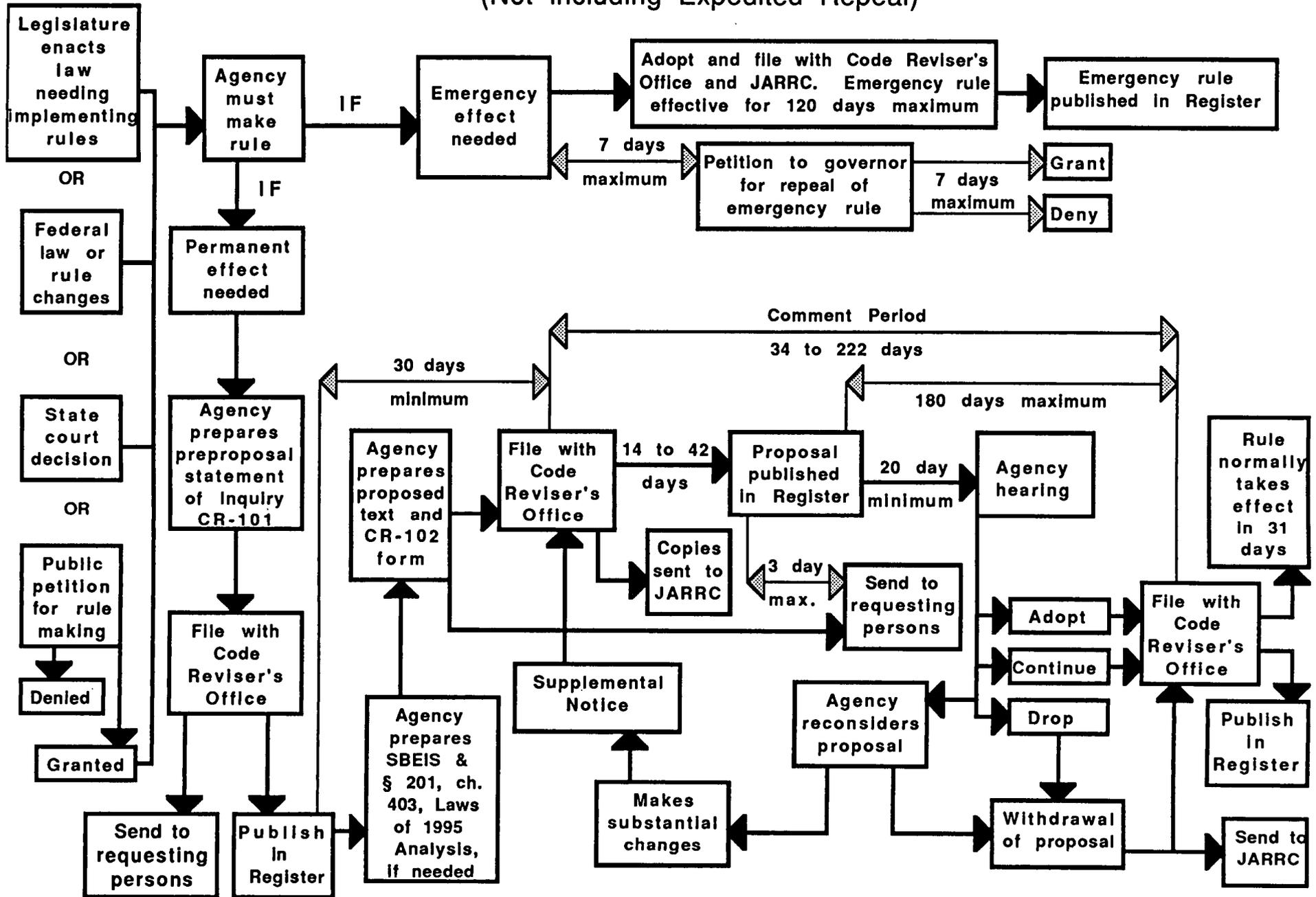
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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

The rule is pure restatement of state statute.

RULE-MAKING PROCESS

(Not including Expedited Repeal)



WSR 95-19-004
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed September 6, 1995, 4:42 p.m.]

Subject of Possible Rule Making: Amending WAC 388-49-430 Resources—Vehicles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.510, 7 CFR 273.8 (h)(3) Federal Register, August 30, 1994.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Mickey Leland Childhood Hunger Relief Act changed a rule affecting food stamp program vehicle resource limits effective October 1, 1995.

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

Process for Developing New Rule: Incorporating mandatory federal rule by amending existing rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dan Ohlson, Program Manager, Food Stamp Program Section, Division of Income Assistance, Mailstop 45400, phone (360) 438-8326, FAX (360) 438-8258.

September 6, 1995
 Kenneth R. Harden
 Assistant Secretary
 for Jeanette Sevedge-App
 Acting Chief
 Office of Vendor Services

WSR 95-19-020
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed September 8, 1995, 1:20 p.m.]

Subject of Possible Rule Making: Success through employment program (STEP), chapter 388-201 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.12.420 and 74.12.425.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Establishes the success through employment program (STEP) as required by the state legislature.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Establish STEP which encourages family unity and discourages long-term stays on AFDC by eliminating the 100-hour rule for AFDC-E recipients and imposing ten percent grant reductions on clients who have renewed AFDC for forty-eight of the last sixty months.

Process for Developing New Rule: Agency study, internal (management) and external (field staff) review process whereby draft material is distributed for review and comment. All comments are taken into consideration before the final rule is issued.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sandy Jsames, Program Manager, AFDC/Refugee Assistance Section, Division of Income Assistance, Mailstop 45400, phone (360) 438-8313, FAX (360) 438-8258.

September 8, 1995
 Jeanette Sevedge-App
 Acting Chief
 Office of Vendor Services

WSR 95-19-022
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed September 8, 1995, 2:11 p.m.]

Subject of Possible Rule Making: Revision to state parks land classification system and designated uses with certain land classifications.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.51.040 and [43.51.045].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current land classification system is an inconsistent mix of previous systems. It is inflexible and provides inadequate policy guidance for parks resource and recreation planning and management.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agency governs land classification on park property, but the state Department of Natural Resources, Department of Community, Trade and Economic Development, and the Department of Fish and Wildlife act in coordination with state parks in management of certain parks resources.

Process for Developing New Rule: Agency study; and we have made a substantial effort at public involvement already and will do more in the future. Early drafts were sent out to over one hundred organizations and individuals, including recreation user groups, environmental organizations, natural resource agencies, parks advisory committees, and interested citizens. Public park tours and work sessions that tested out the system were held in thirteen parks throughout the state.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. A report will be made at the Washington State Parks and Recreation meeting on September 16. In addition, two public meetings are planned to gather comments - one in eastern Washington and one in western Washington. Contact Daniel Farber at (360) 902-8652, FAX (360) 664-0278 for more information.

September 8, 1995
 Sharon Howdeshell
 Office Manager

WSR 95-19-023
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed September 8, 1995, 2:11 p.m.]

Subject of Possible Rule Making: Revision of WAC 352-32-150 Fishing (in state park areas).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.51.180 (3), (1), 43.51.04(1) [43.51-040(1)].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the authority of the commission to close permanently certain areas to the harvest of aquatic organisms, including fin fish and shellfish; allow the director to make emergency closures; change violation of this section to an infraction from a misdemeanor; improve the rule from an enforcement standpoint, and recognize change in name and authority of the new Washington State Department of Fish and Wildlife.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington State Department of Fish and Wildlife, Washington State Department of Natural Resources, United States Fish and Wildlife Service, Tribal governments of the Northwest Indian Fisheries Commission.

Process for Developing New Rule: A letter to all known interested parties will be sent asking comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Hovis, Shellfish Biologist, 7150 Cleanwater Lane, P.O. Box 42668, Olympia, WA 98504-2668, (360) 902-8635, (360) 664-0278 FAX.

September 8, 1995
 Sharon Howdeshell
 Office Manager

WSR 95-19-030
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed September 11, 1995, 3:12 p.m.]

Subject of Possible Rule Making: Public record disclosure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To ensure compliance by the Department of Licensing with the provisions of RCW 42.17.250 - [42.17.]320, dealing with public records.

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. Individuals may participate in this rule-making activity by providing written comment to Walt Fahrer, Rules Coordinator, Box 8001, Olympia, WA 98504-8001, FAX (360) 753-7500, by November 2, 1995.

September 11, 1995
 Walt Fahrer
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 92-09-107, filed 4/20/92, effective 5/21/92)

WAC 308-10-010 Definitions. (1) The definitions set forth in RCW 42.17.020 shall apply to this chapter.

(2) The "department of licensing" is the agency created pursuant to chapter 46.01 RCW. The department of licensing shall hereinafter be referred to as the department. Where appropriate, the term department also refers to the staff and employees of the department of licensing.

(3) "Director" means the director of the department of licensing as appointed by the governor pursuant to RCW 46.01.090.

(4) "Raw data" means facts, symbols, or observations which have all of the following characteristics:

(a) They have not been processed, edited or interpreted.

(b) They are unevaluated and unorganized.

(c) The fact, symbol, or observation does not, of itself, impart meaning to a potential user or fulfill a recognized need.

(d) To be useable the fact, symbol, or observation must go through some transformation process.

(5) "Information" means raw data that are organized, ~~((evaluative))~~ evaluated and interpreted to impart meaning to potential users and fulfill a recognized need.

(6) "Listing (list)" means a series of items of any kind including names, words or numbers no matter what the arrangement or purpose. When applied to the release of department record information it means the names of two or more individuals contained in:

- Data processing magnetic tapes
- Data processing print-outs 1, 2, 3, or 4 part utility paper or copies of such print-outs
- Data processing print-outs in the form of labels
- Computer data bases
- Any form of writing
- Microfiche/microfilm.

(7) "Tabulation" means the systematic arrangement of facts, statistics, and similar information, except the names of individuals, in column or table format.

(8) "Individual" means a natural person.

(9) "Commercial purpose" means using or intending to use information obtained, to contact or personally affect an individual identified on a list to facilitate profit expecting business activity.

(10) "Profession," when applied to department records, or the release of department record information, means any state regulated business, profession or occupation administered by the assistant director, ~~((professional licensing services))~~ business and professions division.

AMENDATORY SECTION (Amending WSR 92-09-107, filed 4/20/92, effective 5/21/92)

WAC 308-10-020 Operations and procedures. (1) The department is organized under a director, deputy director, and ~~((six))~~ five assistant directors. Each assistant director is delegated authority to act in a specific functional area. The ~~((six))~~ five major functional components are: Vehicle services, driver services, ~~((professional licensing services;))~~ administrative services, ~~((business license service-~~

~~es, and~~) information services, and business and professions division.

(2) The director of the department is appointed by the governor, with consent of the senate, and holds office at the pleasure of the governor.

(a) Subject to statutory limitations the director has complete charge of the department. The director may delegate any power or duty vested in the office to any assistant or subordinate, but remains responsible for the official acts of the officers and employees.

(b) By the specific powers of legislation and delegation the director is charged with the responsibility and authority to act and direct in the following areas:

(i) Efficiently administer the laws pertaining to licensing ~~((and regulation))~~ of vehicles, vehicle operators, professions, occupations, real estate, ~~((securities,))~~ vessels, and businesses.

(ii) Adopt and enforce rules ~~((and regulations))~~ consistent with, and necessary to carry out, the provisions of existing laws.

(c) Each assistant director reports directly to the deputy director, unless otherwise prescribed.

(d) Unless specifically delegated the director shall establish and maintain relationships with the state's executive offices, legislature, and other state agencies, other states and other states' agencies, agencies of the federal government, state and national associations, local and municipal governments, ~~((the real estate))~~ boards and commissions, and the press.

(e) The director shall have direct authority over matters pertaining to public information, research, and legal issues.

(3) The assistant director, vehicle services, has authority to act in the following areas:

(a) Administer laws pertaining to:

(i) Vehicle and vessel licensing and excise tax programs;

(ii) Fuel tax programs;

(iii) Proration and reciprocity programs;

(iv) Vehicle and vessel dealer, manufacturer licensing and inspection programs; and

(v) Miscellaneous vehicle licensing programs including: Transporters, wreckers, hulk haulers, abandoned vehicles, tow truck operators, scrap processors, snowmobile and ORV vehicle dealers.

(b) Adopt and enforce rules ~~((, regulations,))~~ and standards to carry out the provisions of existing law.

(c) Administer the licensing functions of county auditors, and licensing agents ~~((, and subagents,))~~ who have been appointed to act on behalf of the department.

(4) The assistant director, driver services, has authority to act in the following areas:

(a) Administer the laws pertaining to driver licensing, financial responsibility, driver improvement, and examining;

(b) Adopt and enforce rules ~~((, regulations,))~~ and standards to carry out the provisions of existing law; and

(c) Determine field office locations and initiate property acquisition.

(5) The assistant director, ~~((professional licensing services))~~ business and professions division, has authority to act in the following areas:

(a) Administer the laws in conjunction with appointed boards pertaining to the following professions, occupations, and businesses:

Appraisers

Architects

Athlete agents

Auctioneers

Bail bond agencies

Barbers

Camping resorts

Cemeteries

Collection agencies

Cosmetologists

Debt adjusters

Embalmers

Employment agencies

Engineers

~~((Eserow))~~

Estheticians

Firearm dealers

Funeral directors

~~((Land development~~

~~Land surveyors))~~

Landscape architects

Manicurists

Notaries public

Real estate brokers and salespersons

Private investigators

Security guards

~~((Shorthand))~~ Court reporters

Timeshares

(i) The assistant director of ~~((professional licensing services))~~ the business and professions division helps administer the laws in conjunction with appointed boards, who exercise administrative and regulatory functions. Those boards are as follows:

Appraiser advisory committee

Architects registration board

Board of funeral directors and embalmers

Cemetery board

Collection agency board

Cosmetology advisory committee

~~((Employment agency advisory board))~~

Engineers & land surveyors registration board

~~((Eserow commission~~

~~Funeral director/embalmer examining committee))~~

Landscape architects examining board

Real estate commission

Shorthand court reporters advisory committee

(ii) Correspondence to these boards should be directed to the ~~((assistant director of professional licensing services))~~ program units for the boards.

(b) Adopt and enforce the rules, regulations and standards in conjunction with appointed boards to carry out the provisions of existing laws.

(c) Establish and maintain relationships with commissions, boards, societies, associations, and agencies both external and internal to this state in order to enhance the department's capability for recommending improvements in

legislation, rules, or regulations relative to professions, occupations, or ~~((real-estate))~~ businesses.

(d) Administer the laws pertaining to Uniform Commercial Code, business licensing and registration.

(6) The assistant director, administrative services, has authority to act in the following areas:

(a) Develop, promote, and direct department activities and programs which relate to:

- (i) Budget and management systems;
- (ii) Supply and equipment procurement;
- (iii) Forms and record management;
- (iv) Fiscal and revenue accounting;
- (v) Contracts;
- (vi) Safety and risk management;
- (vii) Facilities;
- (viii) Mail operations;

(b) Organize, provide, and manage integrated staff services to best serve the overall interests of the department.

(7) The assistant director, information services, has the authority to act in the following areas:

(a) Develop, promote, coordinate, and direct department activities which relate to the automated processing of data.

(b) Consult and work with other state agencies in structuring and phase-in of inter-agency related programs.

(c) Develop and implement a formal problem reporting system.

~~(8) ((The assistant director, business license services, has the authority to act in the following areas:~~

~~(a) Administer the laws pertaining to securities, uniform commercial code, business licensing and registration, and~~

~~(b) Adopt and enforce rules and regulations and standards to carry out the provisions of existing law;~~

~~(9))~~ The department conducts informal and formal proceedings in areas of its statutory authority as related in WAC 308-10-020. These proceedings are governed by chapters 34.05, 42.30 and 43.24 RCW, except that the denial, suspension, or revocation of drivers' licenses are not subject to provisions of chapter 34.05 RCW, the Administrative Procedure Act, other than those actions taken pursuant to chapter 46.29 RCW. The department has adopted rules in Title~~((s))~~ 308 ~~((and 460))~~ WAC.

AMENDATORY SECTION (Amending WSR 92-09-107, filed 4/20/92, effective 5/21/92)

WAC 308-10-025 Public records available. All public records of the department are deemed to be available for public inspection and copying during customary office hours pursuant to these rules, except as otherwise provided by chapters 42.17 and 46.12 RCW ~~((and))~~, WAC 308-10-050 and 308-93-087.

AMENDATORY SECTION (Amending WSR 92-09-107, filed 4/20/92, effective 5/21/92)

WAC 308-10-030 Public disclosure officer. The department's public disclosure officer shall be designated by the director. The person so designated shall be located in the main administrative offices of the department. The public disclosure officer shall be responsible for the following: The implementation of the department's rules ~~((and regulations))~~ regarding release of public records, coordinating the staff of the department in this regard, maintaining,

keeping current, and publishing an index of all agency records and ensuring compliance with the public records disclosure act requirements.

AMENDATORY SECTION (Amending WSR 92-09-107, filed 4/20/92, effective 5/21/92)

WAC 308-10-040 Requests for public records. In accordance with requirements of chapter 42.17 RCW, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the department which shall be available at its administrative office. The form shall be presented to any member of the department staff designated by the responsible assistant director to receive requests, at the administrative office of the department during customary office hours. The request shall include the following information:

(a) The name and address of the person requesting the record.

(b) The calendar date on which the request ~~((was))~~ is made.

(c) The nature of the request.

(d) A reference to the requested record as it is described in the current department record index.

Note: If the material is not identifiable by reference to the department's current index, an accurate description of the record is requested.

(e) The signature and other identifying information of the requester.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

(3) Persons authorized by law to obtain lists of names of individuals from public records will be required to complete a statement agreeing not to release or use the information for commercial purposes.

AMENDATORY SECTION (Amending WSR 92-09-107, filed 4/20/92, effective 5/21/92)

WAC 308-10-045 Copying. No fee shall be charged for the inspection of public records. The department shall charge a fee in the amount necessary to reimburse the department for its actual costs incident to providing copies of public records. The schedule of charges is:

ITEM	FEE
Abstract of driving record	\$4.50
((Application for license for bulk hauler, scrap processor, snowmobile dealer, ORV dealer, vessel dealer or transporter	\$2.00
Bond copies (dealer and manufacturer)	\$2.00))
Copies produced on copying and duplicating equipment	((+)) <u>15</u> cents per page

PREPROPOSAL

Evidence of ability to respond to damages (financial responsibility)	\$4.50
Computer generated listing, magnetic tapes or labels	Cost of services
Microfilm copies	75 cents per page
((Vehicles record lookups requests for lookup on one vehicle	\$2.00 per lookup
Vehicle record lookups listings	\$2.00 per lookup up to 10. \$20 per lookup for each lookup over 10 in any single request
Vehicle certificate of title, photo enlargement of microfilm record, and microfiche	(\$1.50 per photograph))
Postal charges	May be added to any copy of a public record if applicable
UCC certificate of information	(\$7.00) <u>\$17.00</u> each
UCC certificate of information and financing statement	(\$12.00) <u>\$24.00</u> each
((Vehicle disposer fee schedule	\$2.00 each
Vehicle disposer insurance policy	\$2.00 each
Wrecker and disposer licensee bond application	\$2.00 each))

WSR 95-19-034
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION
 [Filed September 12, 1995, 2:30 p.m.]

Subject of Possible Rule Making: Punchboards, pull tab, and card room operation and Washington Blackjack, WAC 230-02-300, 230-30-065, 230-30-080, 230-30-106, 230-40-125, 230-40-400, 230-40-310, 230-30-050, 230-30-070, 230-30-097, 230-40-050, 230-40-200, and 230-12-030.

Statutes Authorizing the Agency to Adopt Rules on this Subject: (1) RCW 9.46.070 (1)-(4), (7), (8), (11), (12), (14), (20); (2) RCW 9.46.110 (3), (4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) Simplify and streamline punchboard and pull tab operational requirements; (2) provide licensees more flexibility in the operation of their businesses; (3) authorize use of house dealer in Washington Blackjack; and (4) clarify meaning of a substantial interest holder.

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 Michael Aoki-Kramer, Rules and Policy Coordinator, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, x310. Study Group Meetings: October 12, 1995, and November 16, 1995. Commission Meetings: October 13, 1995, Ramada Inn, 435 Clover Island, Kennewick; and on November 17, 1995, Embassy Suites Hotel, 20610 44th Avenue, Seattle.

September 12, 1995
 Michael Aoki-Kramer
 Rules and Policy Coordinator

AMENDATORY SECTION (Amending WSR 91-13-057, filed 6/17/91, effective 7/18/91)

WAC 308-10-067 Public records indexing system.

(1) The department of licensing has implemented a system of indexing for identification and location of the following records:

- (a) All records issued before July 1, 1990, for which the agency has maintained an index.
- (b) Final orders from adjudicative proceedings as defined in RCW 34.05.010(1) entered after June 30, 1990, that contain an analysis or decision of substantial importance to the agency in carrying out its duties.
- (c) Declaratory orders entered after June 30, 1990, that contain an analysis or decision of substantial importance to the agency in carrying out its duties.
- (d) Interpretive statements entered after June 30, 1990.
- (e) Policy statements entered after June 30, 1990.

(2) The department of licensing shall maintain a general index of all its records available to the public for inspection and copying, including those records mentioned above.

(3) The general index of public records will be maintained and updated yearly by the agency. The index of records is available during regular business hours for public inspection at the agency's main office located at the Department of Licensing, 1125 Washington Street S.E., ((PB-01,)) Olympia, Washington 98504. ~~((Subindexes will be maintained and updated regularly by the departmental division and program area.))~~ The public disclosure officer is responsible for updating the general index yearly.

WSR 95-19-035
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION
 [Filed September 12, 1995, 3:50 p.m.]

Subject of Possible Rule Making: Clock hours for participation of certificated personnel in internships with business, industry, or government.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 284, Laws of 1995.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1518 requires the State Board of Education to establish rules for awarding clock hours for participation of certificated personnel in internships with business, industry, or government.

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

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

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

September 11, 1995
Larry Davis
Executive Director

WSR 95-19-036
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 12, 1995, 4:38 p.m.]

Subject of Possible Rule Making: WAC 388-505-0520
Citizenship and alien status.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and ESH [ESHB] 1410.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Budget does not allow the department to continue to pay for prenatal care for pregnant undocumented alien women. Provide by rule, regulations concerning the limitation of covered services to treatment of emergency medical services, including labor and delivery. Effective date of this change is January 1, 1996.

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 will conduct an internal and external review and approval process. The department will consider all comments before final adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanie Scotson, Program Manager, Medical Assistance Administration, Mailstop 45530, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 753-7462, FAX (360) 753-7315, TDD 1-800-848-5429.

September 12, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-19-045
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
(Filed September 14, 1995, 10:46 a.m.)

Subject of Possible Rule Making: Section 125, Payroll health insurance deductions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 6, Laws of 1995.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To effectuate chapter 6, Laws of 1995 for special session and comply with Section 125 of the federal IRS code.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: (1) Office of Financial Management (state) and (2) Internal Revenue Service (federal).

Process for Developing New Rule: Public hearings and stakeholder meetings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Elizabeth Berendt, P.O. Box 42700, Olympia, WA 98504-2700, phone (360) 923-2728, FAX (360) 923-2606.

September 13, 1995
Elin Meyer
Rules Coordinator

WSR 95-19-047
PREPROPOSAL STATEMENT OF INTENT
HIGHER EDUCATION
COORDINATING BOARD

[Filed September 14, 1995, 2:09 p.m.]

Specific Statutory Authority for New Rule: Chapter 28B.80 RCW.

Reasons Why the New Rule is Needed: To make permanent an emergency rule currently in effect.

Goals of New Rule: To exempt for one year the requirement that the first priority for state need grant awards be the entire body of students whose family incomes are less than 65% of the state's median. See WAC 250-20-013(11).

Process for Developing New Rule: Agency study.

Interested Parties can Participate in Formulation of the New Rule by contacting John Klacik, Higher Education Coordinating Board, P.O. Box 43430, Olympia, WA 98504-3430, voice (360) 753-7851, FAX (360) 753-7808, EMAIL Johnk@hecb.wa.com.

September 14, 1995
John Klacik
Associate Director for
Student Financial Aid

WSR 95-19-048
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
SECRETARY OF STATE

[Filed September 14, 1995, 2:25 p.m.]

Subject of Possible Rule Making: Physical custody of public records, WAC 434-615-020.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 40.14.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 434-615-020 may not adequately distinguish between the "legal custody" of a public record and the "physical custody" of that record and may not adequately provide for situations in which an agency may transfer the physical custody of a record without affecting the legal custody of that record. We propose to amend the rule to clarify when agencies can transfer records to each other in order to use the records in performing governmental functions.

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 consultation with records management officers in state and local agencies and with the members of the state and local records committees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Don Whiting, P.O. Box 40220, Olympia, WA 98504-0220, phone (360) 753-7123 or by FAX (360) 586-5629; or George Scott, P.O. Box 40238, Olympia, WA 98504-0238, phone (360) 753-5485.

September 12, 1995
Donald F. Whiting
Assistant Secretary of State

WSR 95-19-051

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed September 14, 1995, 4:09 p.m.]

Subject of Possible Rule Making: Approved independent sanitation consultants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 11 and 18, chapter 374, Laws of 1995.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To establish standards/qualifications for approval of independent sanitation consultants.

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 Verne E. Hedlund, Washington Department of Agriculture, P.O. Box 42560, Olympia, WA 95804-2560, (360) 902-1860. Facilitated meetings to negotiate requirements.

September 11, 1995
Candace A. Jacobs
Assistant Director

WSR 95-19-059

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed September 15, 1995, 11:25 a.m.]

Subject of Possible Rule Making: WAC 388-87-011 Conditions of payment—Medicare deductible and coinsurance—When paid by department.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 42 CFR 431.625.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are being amended to

further coordination of Medicaid with Medicare Part B consistent with 42 CFR 431.625.

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 draft language will be distributed to persons expressing interest. All comments will be considered before final adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bobbe J. Andersen, Program Manager, Medical Assistance Administration, Mailstop 45530, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 753-0529, FAX (360) 753-7315, TDD 1-800-848-5429.

September 15, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services
by Rosemary Carr

WSR 95-19-060

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Aging and Adult Services Administration) (Residential Care Services) (Public Assistance)

[Filed September 15, 1995, 1:30 p.m.]

Subject of Possible Rule Making: *OBRA nurse aide investigations, chapter 388-97 WAC, Nursing homes. *Omnibus Budget Reconciliation Act as amended 1991, Code of Federal Regulations, Part 483 and 488.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.51, 74.34, 70.124 and 34.05 RCW, RCW 74.09.500.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The structure of the program is federally mandated. State rules are required in order to clarify standards for findings of abuse, neglect and misappropriation of resident funds, to provide notice to nurse aide's of due process rights as required by federal law, and notice to potential employers of OBRA registry status. The goal and desired outcome of the rule development is to protect nursing home residents from nurse aide perpetrators of abuse, neglect and misappropriation of resident property through an investigation process which involves abuse, neglect, and misappropriation information being placed on the Washington state OBRA nurse aid registry.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state agency has direct authority over the OBRA nurse aid registry which will contain information related to the OBRA nurse aid investigation results. This agency acts as an agent of the Federal government in administering this program. The Department of Health, as licensor of health professionals, will be notified and informed of the process as it is developed.

Process for Developing New Rule: Agency study; and stakeholders will participate in the development of this new

September 15, 1995
 Jeanette Sevedge-App
 Acting Chief
 Office of Vendor Services
 by Rosemary Carr

rule by written and verbal comment, discussion at special called meetings, and review of the initial draft regulations prior to rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may submit verbal and written comments, concerns and recommendations to Aging and Adult Services Administration at anytime before the Department of Social and Health Services files the notice of proposed rule making. Stakeholders within the affected industry, residents of nursing homes and consumers will be invited to participate in the rule-making process. Any interested party may request a copy of the initial draft regulations for review and comment. Meetings will be held to offer the industry stakeholders, consumers, and residents of nursing homes an opportunity to discuss the initial draft regulations prior to adoption. At the time the notice of proposed rule making is filed, interested parties will be notified of the scheduled hearing to adopt rules and how to submit comments for consideration. Contact person for rule development process will be Jackie A. Beery, Program Manager, P.O. Box 45600, Olympia, WA 98504-5600, (360) 493-2625, FAX (360) 438-7903, TDD 407-0210 or 1-800-737-7931.

September 15, 1995
 Jeanette Sevedge-App
 Acting Chief
 Office of Vendor Services
 by Rosemary Carr

WSR 95-19-061
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed September 15, 1995, 1:32 p.m.]

Subject of Possible Rule Making: WAC 388-217-3050 Transfer of property—Assessing property transfers and 388-217-3200 Transfer of property—Effect on need.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.335 Transfers of property to qualify for assistance.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The language of the rule is being revised to clarify intent and comply with statute.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agency regulates this subject.

Process for Developing New Rule: Agency study, internal (management) and external (field staff) review process whereby draft material is distributed for review and comment. All comments are taken into consideration before the final rule is issued.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rena Milare, Program Manager, AFDC/Refugee Assistance Section, Division of Income Assistance, P.O. Box 45400, Olympia, WA 98504-5400, phone (360) 438-8311, FAX (360) 438-8258.

WSR 95-19-062
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES

[Filed September 15, 1995, 1:53 p.m.]

Subject of Possible Rule Making: Tuition and fee waivers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 28B.15 and 28B.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes in the way apprenticeship tuition and fees are handled, for the community and technical college system. This has been a negotiated process.

Process for Developing New Rule: Negotiated rule making; and standard rule-making process including adoption of emergency rules, followed by permanent rule adoption including all of the appropriate notices and filings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Claire Krueger, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, (360) 753-7413, (360) 586-6440.

September 15, 1995
 Claire C. Krueger
 Executive Assistant
 Administrative Rules Coordinator

WSR 95-19-082
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed September 19, 1995, 11:25 a.m.]

Subject of Possible Rule Making: WAC 388-217-3050 Transfer of property—Assessing property transfers and 388-217-3200 Transfer of property—Effect on need.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.335 Transfers of property to qualify for assistance.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The language of the rule is being revised to clarify intent and comply with statute.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agency regulates this subject.

Process for Developing New Rule: Agency study, internal (management) and external (field staff) review process whereby draft material is distributed for review and comment. All comments are taken into consideration before the final rule is issued.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rena Milare, Program Manager, AFDC/Refugee Assistance Section, Division of Income Assistance, P.O. Box 45400, Olympia, WA 98504-5400, phone (360) 438-8311, FAX (360) 438-8258.

September 19, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-19-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
[Filed September 19, 1995, 2:29 p.m.]

Subject of Possible Rule Making: Agency-wide public records rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is required to adopt rules regarding public records. Currently each division has rules. These rules will establish agency-wide rules, which will increase efficiency and simplify the public's access to agency records.

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 J. Parker Cann, (360) 902-8778 or Vicky Sheldon, (360) 902-8775, FAX (360) 586-5068, Department of Financial Institutions, P.O. Box 41204, Olympia, WA 98504-1204.

September 18, 1995
John L. Bley
Director

WSR 95-19-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
[Filed September 19, 1995, 2:31 p.m.]

Subject of Possible Rule Making: Semiannual asset charge for commercial banks, mutual savings banks and stock savings banks.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.320.010, 43.320.040, 30.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There is uncertainty as to how the semiannual asset charge applies to state-chartered banks which have branches in Washington and another state. These rules will clarify the semiannual asset charge and provide consistency between states.

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 of Financial Institutions will work with state-regulated banks, banking organizations and other states to develop the rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting G. R. Zachary, Assistant Director, Division of Banks, (360) 902-8747, FAX (360) 753-6070, or John L. Bley, Director, Department of Financial Institutions, (360) 902-8707, FAX (360) 586-5068; address is Department of Financial Institutions, P.O. Box 41200, Olympia, WA 98504-1200.

September 13, 1995
John L. Bley
Director

WSR 95-19-087
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE
[Filed September 20, 1995, 8:53 a.m.]

Subject of Possible Rule Making: WAC 458-40-610 Timber excise tax—Definitions, 458-40-650 Timber excise tax—Timber quality codes defined, and 458-40-660 Timber excise tax—Stumpage value tables.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The law (RCW 84.33.091) requires that the stumpage value tables be revised twice annually. The stumpage values are established by the department so that timber harvesters are apprised of the timber values on which the timber excise tax is calculated. New categories of "poles" and "piling" are proposed, necessitating the amendment of WAC 458-40-610 and 458-40-650 in addition to the stumpage value tables themselves in WAC 458-40-660. The addition of these two new "species" should make the stumpage value tables more accurate.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Forest Service, Washington State Department of Natural Resources, and the Washington State Forest Practices Board. The nontax processes and definitions will be coordinated with these other agencies to avoid conflict in the areas of process and definition.

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. Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted until the date of adoption. Written comments on and/or requests for copies of the rule may be directed to James A. Winterstein, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-4283, FAX (360) 664-0693. Location and Date of Public Meeting: Department of Revenue Conference Room, Target Place

Building No. 4, 2735 Harrison Avenue N.W., Olympia, WA,
on October 24, 1995, at 10:00 a.m.

September 20, 1995
Russell W. Brubaker
Assistant Director
Legislation and Policy Division

WSR 95-19-088
PREPROPOSAL STATEMENT OF INQUIRY
HIGHER EDUCATION
COORDINATING BOARD
[Filed September 20, 1995, 9:26 a.m.]

Subject of Possible Rule Making: To exempt for one year the requirement that the first priority for state need grant awards be the entire body of students whose family incomes are less than 65% of the state's median. See WAC 250-20-013(11). NOTE: CR-101 form previously filed inadvertently on outdated form on September 14, 1995.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.80 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To make permanent an emergency rule currently in effect, to clarify the exemption lasts for the entire year.

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, Higher Education Coordinating Board, P.O. Box 43430, 917 Lakeridge Way, Olympia, WA 98504-3430, Voice (360) 753-7851, FAX (360) 753-7808, EMAIL johnk@hecb.wa.com.

September 19, 1995
John Klacik
Associate Director for
Student Financial Aid

WSR 95-19-096
PREPROPOSAL STATEMENT OF INQUIRY
PERSONNEL RESOURCES BOARD
[Filed September 20, 1995, 10:30 a.m.]

Subject of Possible Rule Making: Possible rule-making topic of the labor relations chapter of Title 356 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.06.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These modifications will allow the Personnel Resources Board to modify existing multiple bargaining units when the legislature merges agencies. These modifications will also include changes to the board's procedures.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: National Labor Relations Board regulates many labor relation activities. As their regulations do not apply to

Washington state employees, we will not be coordinating our rule-making activities with them.

Process for Developing New Rule: Department of Personnel rule development process, in the development and revision of rules, the Department of Personnel encourages participation of affected agencies, institutions of higher education, employee organizations, and other interested parties. Rule proposals are discussed at monthly joint rule meetings and possibly in task forces established for a specific topic. Rule proposals from these groups are submitted to the Washington Personnel Resources Board for adoption. Agendas and meeting notices, including the Washington Personnel Resources Board meeting agenda, are distributed to all identified interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication: Persons interested in rules being considered or developed by the Department of Personnel for presentation to the board should contact the Department of Personnel, Office of Client Relations, 521 Capitol Way South, P.O. Box 47500, Olympia, WA 98504-7500 or telephone the Office of Client Relations at (206) 586-1770, (206) 664-3255, or FAX (206) 586-4694 for information about the joint rule and/or the Washington Personnel Resources Board meetings.

September 20, 1995
Dennis Karras
Secretary

WSR 95-19-104
PREPROPOSAL STATEMENT OF INQUIRY
LOTTERY COMMISSION
[Filed September 20, 1995, 11:48 a.m.]

Subject of Possible Rule Making: Instant game rules.
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The lottery is considering proposing rules for Instant Game Nos. 157, 158, 159, 160, and 161 at the January 5, 1996, commission meeting. These rules will explain how the games function to retailers and players. Rigid validation requirements will prevent prize payment on invalid tickets.

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 Jeffrey Burkhardt, Rules Coordinator, at (360) 586-6583, FAX (360) 586-6586, P.O. Box 43000, Olympia, WA 98504, with any comments or questions regarding this statement of intent.

September 19, 1995
Evelyn P. Yenson
Director

WSR 95-17-092
PROPOSED RULES
YAKIMA COUNTY
CLEAN AIR AUTHORITY
 [Filed August 22, 1995, 3:00 p.m.]

Original Notice.

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

Title of Rule: Amendments to Yakima County Clean Air Authority Restated Regulation I to include changes necessary to meet ecology and EPA approval for inclusion into the Washington state SIP; and to reflect recent statutory amendments.

Purpose: Amending Sections 1.03, 4.01, 4.02, 5.01, 5.02, 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.11, 6.02, 8.02, 8.05, 9.05, and 12.01.

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

Summary: Changes to Yakima County Clean Air Authority Restated Regulation I are necessary to meet ecology and EPA approval for inclusion into the SIP. Additional changes to Article V reflect statutory changes pursuant to SHB 2771.

Reasons Supporting Proposal: Same as above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Yakima County Clean Air Authority, 6 South 2nd Street, Yakima, WA 98901, (509) 575-4116.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects:

Article I

In Section 1.01 the spelling of Yakima is changed to Yakama as it pertains to the Indian Nation. In Section 1.03 definitions have been added or deleted to be consistent with chapter 173-400 WAC and the Washington state SIP, as follows: Added: "Actual Emissions," "Adverse Impact on Visibility," "Ambient Air Quality Standard," "Combustion and Incineration Sources," "Commenced Construction," "Concealment," "Emission Reduction Credit (ERC)," "Emissions Unit," "Excess Emissions," "Federal Clean Air Act (FCAA)," "Federal Land Manager," "Fossil Fuel-fired Steam Generator," "Fugitive Dust," "Fugitive Emissions," "General Process Unit," "Good Engineering Practice (GEP)," "Major Modification," "Major Stationary Source," "Net Emissions Increase," "Nonattainment Area," "Opacity," "Order of Approval" or "Approval Order," "Particulate Matter" or "Particulates," "Particulate Matter Emissions," "Parts Per Million (ppm)," "PM-10," "PM-10 Emissions," "Potential to Emit," "Prevention of Significant Deterioration (PSD)," "Reasonably Available Control Technology (RACT)," "Significant," "Significant Visibility Impairment," "Stack," "Stack Height," "Standard Conditions," "Volatile Organic Compound (VOC)," Deleted: "Air Quality Standard."

Article IV

In Section 4.01 "Pressure sensitive tape and label coating operations" are added to the list of sources required to register. In Section 4.02 RACT is replaced by BACT as it may be required of sources that substantially alter or replace control equipment.

Article V

In Section 5.01 "less than 500 tons of" is added to limit the quantity of natural vegetation that may be permitted for the purpose of land clearing and reference to the new subsection 5.03(D) exemption to permit requirements is added. In Section 5.03 subsection D is deleted and structure fires for the purpose of fire fighting instruction is added to the exemptions to permit requirements under the new subsection D, as required by SHB 2771. In Section 5.04 references to the new 5.03(D) are added. In Section 5.05 subsection B language is deleted and added to subsection A to clarify the prohibition of open burning during curtailment and the time limitations for extinguishing fires, in progress at the time a curtailment is called, is changed. In Section 5.06 applicability of 5.06 and precedence of other sections applicability is defined and RACT requirements and definition are specified. Additionally an exception for sulfur dioxide emissions is deleted and a parameter for measuring sulfur dioxide emissions is added in this section. A subsection is also added to specify requirements of fugitive dust sources. In Section 5.07 the required method for testing of unburned hydrocarbons emitted is added and a requirement to meet the provisions of Section 5.08 is added. In Section 5.09 the required method for measuring particulate emissions as it applies to hogged fuel boilers is added. Additionally subsections are added to specify requirements of wigwam burners and catalytic cracking units. In Section 5.11 language defining the purpose of investigation and source test methods is added. Additionally an exception to the requirements of opacity monitoring and an exemption for sources scheduled for retirement are deleted. Also added are subsections to provide for emission inventory requirements and reporting requirements for changes in raw materials or fuel.

Article VI

In Section 6.02 language referring to Section 6.03 is deleted.

Article VIII

In Section 8.02 language providing for rescinding or withholding grant funds is added. In Section 8.05 language further defining severability is added.

Article IX

In Section 9.05 language defining first and second stages of impaired air quality as each applies to use of solid fuel burning devices.

Article XII

In Section 12.01 the titles of chapter 173-430 and 173-470 WAC are changed.

Proposal Changes the Following Existing Rules: See above.

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

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

Hearing Location: County Courthouse, 128 North 2nd Street, Room 420, Yakima, WA, on November 8, 1995, at 2:30 p.m.

Submit Written Comments to: Yakima County Clean Air Authority, County Courthouse, Yakima, Washington, FAX (509) 454-6954, by November 7, 1995.

Date of Intended Adoption: November 8, 1995.

August 16, 1995

Gary W. Pruitt
Air Pollution Inspector

ARTICLE I

POLICY, SHORT TITLE AND DEFINITIONS

SECTION 1.01 - POLICY

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

SECTION 1.02 - SHORT TITLE

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

SECTION 1.03 - DEFINITIONS

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

(1) "Actual Emissions: - The actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection.

(a) 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 source operation. Ecology or an authority shall allow the use of a different time period upon a determination that it is more representative of normal 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.

(b) Ecology or an authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

(c) 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.

(+) (2) "Adequate Source of Heat" - The ability to maintain 70 degrees Fahrenheit at a point three (3) feet above the floor in all normally inhabited areas of the dwelling.

(3) "Adverse Impact on Visibility" - Visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case by case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

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

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

(4) (6) "Air Pollution" - The presence in the outdoor atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property. For the purpose of this Regulation, air pollution shall not include air contaminants emitted in compliance with Chapter 17.21 RCW.

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

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

(8) "Allowable Emissions" - 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:

(a) The applicable standards as set forth in 40 CFR Part 60 or 61;

(b) Any applicable state implementation plan emissions limitation including those with a future compliance date; or

(c) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

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

(10) "Ambient Air Quality Standard" - An established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.

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

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

(+) (13) "Board" - The Board of Directors of the Yakima County Clean Air Authority.

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~~(44)~~ (14) "Combustible Refuse" - Any burnable waste material containing carbon in a free or combined state other than liquid or gases.

(15) "Combustion and Incineration Sources" - Units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

(16) "Commenced Construction" - The owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(17) "Concealment" - 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.

~~(42)~~ (18) "Control Apparatus" - Any device which prevents or controls the emission of any air contaminant.

~~(43)~~ (19) "Control Officer" - The Air Pollution Control Officer of the Yakima County Clean Air Authority, or his duly authorized agents.

~~(44)~~ (20) "Director" - Executive Director and Control Officer.

~~(45)~~ (21) "Emission" - A release of air contaminants into the ambient air.

(22) "Emission Reduction Credit (ERC)" - A credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.

~~(46)~~ (23) "Emission Standards" - A limitation on the release of a contaminant or multiple contaminants into the ambient air.

(24) "Emissions Unit" - Any part of a stationary source or source which emits or would have the potential to emit any pollutant subject to regulation under the FCAA, chapter 70.94 or 70.98 RCW.

~~(47)~~ (25) "Equipment" - Any stationary or portable device or any part thereof capable of causing the emission of any air contaminant into the ambient air.

(26) "Excess Emissions" - emissions of an air pollutant in excess of any applicable emissions standard.

(27) "Federal Clean Air Act (FCAA)" - 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.

(28) "Federal Land Manager" - With respect to any lands in the United States, the Secretary of the department with authority over such lands.

~~(48)~~ (29) "Fire Department" - Fire control agency such as city fire departments, local fire districts or the Washington State Department of Natural Resources.

~~(49)~~ (30) "First Stage of Impaired Air Quality" - When particulates ten microns and smaller in aerodynamic diameter are at an ambient level of seventy-five micrograms per cubic meter of air measured on a twenty-four hour average, or when carbon monoxide is at an ambient level of eight parts

of contaminant per million parts of air by volume measured on an eight-hour average.

(31) "Fossil Fuel-fired Steam Generator" - A device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(32) "Fugitive Dust" - A Particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples or areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

(33) "Fugitive Emissions" - Emissions which do not pass and which could not reasonable pass through a stack, chimney, vent, or other functionally equivalent opening.

~~(20)~~ (34) "Friable Asbestos" - Any material containing more than 1% asbestos and capable of being crushed by hand pressure.

~~(24)~~ (35) "Garbage" - Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking or serving of food.

(36) "General Process Unit" - An emissions unit using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.

(37) "Good Engineering Practice (GEP)" - A calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

~~(22)~~ (38) "Hearings Board" - Hearings Boards as established by RCW 43.21B.

~~(23)~~ (39) "Incinerator" - A furnace for the destruction of waste, or oxidizing a waste to facilitate disposal.

~~(25)~~ (40) "Land Clearing Burning" - Outdoor fires consisting of residue of a natural character such as trees, stumps, shrubbery of other natural vegetation arising from land clearing projects and burned on the lands on which such materials originated.

~~(24)~~ (41) "Lowest Achievable Emission Rate (LAER)" - That term as defined in WAC 173-400.

(42) "Major Modification" - Any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the FCAA. Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone. a physical change or change in the method of operation shall not include:

(a) Routine maintenance, repair, and replacement;

(b) Use of an alternative fuel or raw material by reason of an order under Sections 2 (a) and (b) of the Energy Supply and Environmental Supply Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(c) Use of an alternative fuel by reason of an order or rule under section 125 of the FCAA, 42 U.S.C. 7425;

(d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(e) Use of an alternative fuel or raw material by a stationary source which:

(i) The stationary source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, in a

prevention of significant deterioration permit or notice of construction approval; or

(ii) The stationary source is approved to use under any federally-enforceable notice of construction approval or a PSD permit issued by the environmental protection agency;

(f) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976, in a prevention of significant deterioration permit or a notice of construction approval;

(g) Any change in ownership at a stationary source.

(43) "Major Stationary Source"

(a) Any stationary source which:

(i) Emits or has the potential to emit one hundred tons per year or more of any air contaminant regulated by the state of Federal Clean Air Acts; or

(ii) Is located in a "marginal" or "moderate" ozone nonattainment area and which emits or has the potential to emit one hundred tons per year or more of volatile organic compounds or oxides of nitrogen.

(b) Any stationary source (or group of stationary sources) which:

(i) Is located in a "serious" carbon monoxide nonattainment area where stationary sources contribute significantly to carbon monoxide levels and which emits or has the potential to emit fifty tons per year or more of carbon monoxide; or

(ii) Is located in a "serious" particulate matter (PM₁₀) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM₁₀ emissions.

(c) Any physical change that would occur at a stationary source not qualifying under (a) or (b) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself;

(d) A major stationary source that is major for VOCs or NOx shall be considered major for ozone;

(e) The fugitive emissions of a stationary source shall not be included in determining whether it is a major stationary source, unless the stationary source belongs to one of the following categories of stationary sources or the source is a major stationary source due to (b) of this subsection;

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cements plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon Black plants (furnace process)

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants;

(xxi) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels;

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil fuel-fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; and

(xxvii) Any other stationary source category which, as of August 7, 1970, was being regulated under sections 111 or 112 of the Federal Clean Air Act.

(f) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, facility, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping 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.

(26) (44) "Modification" - Any physical change in or change in the method of operation of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted. The term modification shall be construed consistent with the definition of modification in Section 4411 7411, Title 42, United State Code and with rules implementing that section.

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

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

(47) "Net Emissions increase".

(a) The amount by which the sum of the following exceeds zero:

(i) Any increase in actual emissions from a particular change or change in method of operation at a source; and

(ii) any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(b) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date ten years before construction on the particular change commences and the date that the increase from the particular change occurs.

(c) An increase or decrease in actual emissions is creditable only if:

(i) It occurred no more than one year prior to the date of submittal of a complete notice of construction application for the particular change, or it has been documented by an emission reduction credit, in which case the credit shall

expire ten years after the date of original issue of the ERC. Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.

(ii) Ecology or the authority has not relied on it in issuing any permit or order of approval for the source under regulations approved pursuant to 40 CFR 51 Subpart I or the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21, which order or permit is in effect when the increase in actual emissions from the particular change occurs.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is federally enforceable at and after the time that actual construction on the particular change begins;

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(iv) Ecology or the authority has not relied on it in issuing any permit or order of approval under regulations approved pursuant to 40 CFR 51 Subpart I, the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21, or ecology or the authority has not relied on it in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

(29) (48) "New Source" - Means:

(a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted, and;

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

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

(50) "Nonattainment Area" - A clearly delineated geographic area which has been designated by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

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

(52) "Opacity" - The degree to which an object seen through a plume is obscured, stated as a percentage.

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

(54) "Order of Approval" or "Approval Order" - 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.

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

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

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

(58) "Particulate Matter or "Particulates" - any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

(59) "Particulate Matter Emissions" - All finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in 40 CFR Part 60 or by a test method specified in the Washington state implementation plan.

(60) "Parts Per Million (ppm)" - Parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

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

(62) "PM-10" - 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.

(63) "PM-10 Emissions" - 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 Washington state implementation plan.

(64) "Potential to Emit" - The maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

(65) "Prevention of Significant Deterioration (PSD)" - the program set forth in WAC 173-400-141.

(66) "Reasonably Available Control Technology (RACT)" - The lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined

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on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category shall be adopted only after notice and opportunity for comment are afforded.

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

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

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

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

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

(72) "Significant" - In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emission equal to or greater than any one of the following rates:

Pollutant	Tons/Year
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter(PM)	25
Fine particulate matter (PM ₁₀)	15
Volatile organic compounds (VOC)	40
Lead	0.6
Flourides	3
Sulfuric acid mist	7
Hydrogen sulfide (H ₂ S)	10
Total reduced sulfur (including H ₂ S)	10
Municipal waste combustor organics	0.0000035
(measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans	
Municipal waste combustor metals (measured as PM)	15
Municipal waste combustor acid gases (measured as SO ₂ and hydrogen chloride)	

(73) "Significant Visibility Impairment" - Visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

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

(43) (75) "SIP" - State Implementation Plan.

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

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

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

(79) "Stack" - Any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

(80) "Stack Height" - The height of an emission point measured from the ground-level elevation at the base of the stack.

(81) "Standard Conditions" - A temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury.

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

(83) "Volatile Organic Compound (VOC)" includes:

(a) Any such organic compound other than the following, which have been determined to have negligible photochemical reactivity: methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methylchloroform); 1,1,1-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 met; hylated siloxanes; acetone; and perfluorocarbon compounds which fall into these classes:

(i) Cyclic, branched, or linear completely flourinated alkanes;

(ii) Cyclic, branched, or linear completely flourinated ethers with no unsaturations; and

(iii) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(b) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may

be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by ecology or the authority.

(c) As a precondition to excluding these negligibly-reactive compounds as VOC or at any time thereafter, ecology or the authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of ecology or the authority, the amount of negligibly-reactive compounds in the source's emissions.

(48) (84) "Woodsmoke Control Zone" - An area located in Yakima County, Washington, as shown in Attachment 1, which is legally described as follows:

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

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

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

Which line further extends in a Southwesterly direction to a point where it intersects with the South boundary line of Sections 19, 20, 21, 22, 23, 24 or Township 12 North, Range 16, E.W.M. as such boundary line is extended both Easterly and Westerly, and thence Easterly along said South boundary line of said Sections as extended to the Southeast corner of Section 19, Township 12 North, Range 18, E.W.M.; thence North along the East boundary line of said section to the Northeast corner thereof; thence East along the North boundary line of Sections 20, 21, 22, 23, 24, of Township 12 North, Range 18, E.W.M. as extended Easterly to the Northeast corner of Section 21, Township 12 North, Range 20, E.W.M.; thence North along the East boundary line of Sections 16, 9 and 4 of Township 12 North, Range 20, E.W.M.; thence East to the Southeast corner of Section 34, Township 13 North, Range 20, E.W.M.; thence North along the Easterly boundary line of said Section to the intersection with the U.S. Military Reservation, Yakima Firing Center; thence Northerly and Westerly along the boundary line of the U.S. Military Reservation to the Southern boundary of Kittitas County; thence West to the Southeast corner of Section 36, Township 15 North, Range 18, E.W.M.; thence North to the Northeast corner of Section 24, Township 15 North, Range 18, E.W.M.; thence West to the Southeast corner of Section 18, Township 15 North, Range 18, E.W.M. thence West to the intersection of the West boundary line as herein described; thence Southwesterly along said West boundary line to the point of beginning.

(49) (85) "Yakima Urban Area" - An area located in Yakima County, Washington, as shown in Attachment 2, which is legally described (Yakima City Code-Title 15A, Ord. # 10-1985) as follows:

Beginning at the southwest corner of Government Lot 5, Section 17, Township 12 North, Range 19 East W.M.; thence north along the west line of said Section 17 to the southeast corner of Section 7. Township 12 North, Range 19 East W.M., thence west along the south line of said Section 7 to the southwest corner of the southeast quarter of said Section 7; thence north along the west line of the east half of said Section 7 to Ahtanum Creek, thence following

Ahtanum Creek in a generally westerly direction to the west line of the southwest quarter of the south-east quarter of Section 2, Township 12 North, Range 18 E.M.W; thence north along said west line to the northwest corner of the southwest quarter of the southeast quarter of said Section 2; thence west along the east-west centerline of the south half of said Section 2 to the west line of said Section 2; thence continuing west along the east-west centerline of the south half of Section 3, Township 12 North, Range 18 East W.M. to South 34th Avenue; thence north along South 34th Avenue to Ahtanum Road - thence west along Ahtanum Road to 38th Avenue; thence north along 38th Avenue to the north line of Section 3. Township 12 North, Range 18 East W.M.; thence west along said north line to the northeast corner of Section 4, Township 12 North. Range 18 East W.M.; thence continuing west along the north line of said Section 4 to the southeast corner of Section 33, Township 13 North, Range 18 East W.M.; thence continuing west along the south line of said Section 33 to 64th Avenue; thence north along 64th Avenue to the east-west centerline of Sections 32 and 33, Township 13 North. Range 18 East W.M.; thence west along said east-west centerline to the north-south centerline of the west half of said Section 32; thence north along said north-south centerline to Zier Road; thence west along Zier Road to South 80th Avenue; thence north along South 80th Avenue to Wide Hollow Road; thence west along Wide Hollow Road to the north-south centerline of the east half of Section 30, Township 13 North, Range 18 East W.M.; thence north along said north-south centerline to the east-west centerline of said Section 30; thence west along said east-west centerline to the north-south centerline of the west half of said Section 30; thence north along said north-south centerline to the Yakima Valley Canal; thence following the Yakima Valley Canal in a generally westerly direction to its intersection with Tieton Drive; thence west on Tieton Drive to 96th Avenue; thence north on 96th Avenue to the northwest corner of the southwest quarter of Section 19, Township 13 North, Range 18 East W.M.; thence north along the west section line of said Section 19 to a point 250 feet south of the northwest corner of the southwest quarter of the northwest quarter of said Section 19; thence north 89°33' East to the Tieton Canal; thence following the Tieton Canal in a generally northeasterly direction to the north-south centerline of the east half of said Section 19; thence north along said north-south centerline to the north-south centerline of the east half of Section 18, Township 13 North, Range 18 East W.M.; thence north along said north-south centerline of said Section 18 to the east-west centerline of the south half of said Section 18; thence east along said east-west centerline to the west line of Section 17, Township 13 North, Range 18 East W.M.; thence north along said west line to the east-west centerline of said Section 17; thence east along said east-west centerline to the east line of said Section 17; thence north along said east line to the south right-of-way line of the Burlington Northern Railroad, Cowiche Branch; thence following said south right-of-way line in a generally northeasterly direction to the north right-of-way line of State Route 12; thence following said north right-of-way line in a generally southeasterly direction to Cowiche Creek; thence following Cowiche Creek in a generally northeasterly direction to its confluence with the Naches River; thence following the

PROPOSED

south bank of the Naches River and the south bank of the Yakima River in a generally easterly direction to the north-south centerline of the east half of Section 12, Township 13 North, Range 18 East W.M.; thence north along said north-south centerline to Rest Haven Road; thence following Rest Haven Road in a generally southeasterly direction to the south line of Section 8, Township 13 North, Range 19 East W.M.; thence east along the south line of Sections 8 and 9 to the southwest corner of Lot 3 of that certain short plat recorded in Volume 81, Page 133, Short Plat Records of Yakima County; thence continuing east 260 feet along said south section line; thence North 0°02'34" east 270.51 feet; thence north 38°30'50" east 146.66 feet; thence north 47°30'24" east 63.80 feet; thence north 77°58'20" east 1,026.46 feet; thence north 71°00' east 255.38 feet; thence north 59°00' east to the north line of the southwest quarter the southwest quarter of Section 10, Township 13 north, Range 19 E.W.M., thence easterly along said north line to the Northeast corner of said subdivision; thence southerly along the east line of the south-west quarter of the southwest quarter of said Section 10 to the south-east corner of said subdivision; thence westerly along the south line of said Section 10 to the northwest corner of Section 15, Township 13 North, Range 19 E.W.M., thence southerly along the west line of said Section 15 to the southwest corner of the northwest quarter of said Section 15; thence easterly along said east-west centerline to the southeast corner of the northeast quarter of said Section 15; thence easterly along the east-west centerline of Section 14, Township 13 North, Range 19 E.W.M. to the northeast corner of the northwest quarter of the southwest quarter of said Section 14; thence southerly along the north-south centerline of the west half of said Section 14 to the southeast corner of the southwest quarter of the southwest quarter of said Section 14; thence easterly along the south line of said Section 14 to the northeast corner of Section 23, Township 13 North, Range 19 E.W.M.; thence southerly along the east line of said Section 23 to the southeast corner of said Section 23; thence westerly along the south lines of Sections 23, 22, 21 and 20, Township 13 North, Range 19 E.W.M. to the west bank of the Yakima River; thence following said west bank in a generally southerly direction to a point where it intersects the east right-of-way line of Interstate Highway 82; thence westerly to the point where the west right-of-way line of said interstate highway intersects the south line of Government Lot 2 of Section 17, Township 12 North, Range 19 E.W.M.; thence westerly along the south line of said Government Lot 2 and of Government Lot 5 of said Section 17 to the southwest corner of said Government Lot 5 and the point of beginning.

ARTICLE IV

REGISTRATION AND NOTICE OF CONSTRUCTION

SECTION 4.01 - REGISTRATION

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

1. Agricultural drying and dehydrating operations;
2. Asphalt plants;
3. Beverage can surface coating operations;

4. Bulk gasoline terminals;
5. Cattle feed lots; for the purposes of registration a cattle feed lot is a place with facilities for 1,000 or more head of cattle which are kept closely confined for commercial purposes and substantially all feed used is delivered to them;
6. Chemical plants;
7. Ferrous foundries;
8. Fertilizer plants;
9. Flexible vinyl and urethane coating and printing operations;
10. Grain handling, seed processing, pea and lentil processing;
11. Metallic mineral processing plants;
12. Mineralogical processing plants;
13. Nonferrous foundries;
14. Other metallurgical processing plants;
15. Petroleum refineries;
16. Power boilers;
17. Pressure sensitive tape and label surface coating operations;
- ~~17~~ 18. Rendering plants;
- ~~18~~ 19. Scrap metal operations;
- ~~19~~ 20. Synthetic organic chemical manufacturing industries;
- ~~20~~ 21. Sulfuric acid plants;
- ~~21~~ 22. Synthetic fiber production facilities;
- ~~22~~ 23. Veneer dryers;
- ~~23~~ 24. Wood waste incinerators including wigwam burners;
- 24 25. Other incinerators designed for a capacity of 100 lbs per hour or more;
- 25 26. Stationary internal combustion engines rated at 500 h.p. or more;
- 26 27. Sawmills, including processing for lumber, plywood, shake, shingle, pulp wood, insulating board, or any combination thereof.
- 27 28. Any category of stationary sources to which a New Source Performance Standard (NSPS) applies. The categories as identified in the federal regulations 40 CFR Part 60 (January 1, 1993) are as follows:

- Subpart D Fossil fuel fired steam generators for which construction commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts
- Subpart Da Electric utility steam generating units for which construction commenced after September 18, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts
- Subpart Db Industrial-commercial-institutional steam generating units for which construction commenced after June 19, 1984, and prior to June 19, 1986, which have a heat input greater than 29 megawatts but less than 73 megawatts

Subpart Dc	Small industrial-commercial-institutional steam generating units	Subpart QQ	Publication rotogravure printing
Subpart E	Incinerators	Subpart RR	Pressure sensitive tape and label surface coating operations
Subpart Ea	Municipal waste combustors	Subpart SS	Industrial surface coating: Large appliances
Subpart F	Portland cement plants	Subpart TT	Industrial surface coating: Metal coils
Subpart G	Nitric acid plants	Subpart UU	Asphalt processing and asphalt roofing manufacture
Subpart H	Sulfuric acid plants	Subpart VV	SOCMI equipment leaks (VOC)
Subpart I	Asphalt concrete plants	Subpart WW	Beverage can surface coating operations
Subpart J	Petroleum refineries which produce less than 25,000 barrels per day of refined products	Subpart XX	Bulk gasoline terminals
Subpart K	Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons	Subpart BBB	Rubber tire manufacturing industry
Subpart Ka	Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons	Subpart DDD	VOC emissions from the polymer manufacturing industry
Subpart Kb	Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed, reconstructed, or modified after July 23, 1984	Subpart FFF	Flexible vinyl and urethane coating and printing
Subpart L	Secondary lead smelters	Subpart GGG	Petroleum refineries - compressors and fugitive emission sources
Subpart M	Brass and bronze ingot production plants	Subpart HHH	Synthetic fiber production facilities
Subpart N	Iron and steel plants	Subpart III	VOC emissions from SOCMI air oxidation unit processes
Subpart O	Sewage treatment plants	Subpart JJJ	Petroleum dry cleaners
Subpart P	Primary copper smelters	Subpart KKK	Equipment leaks of VOC from onshore natural gas processing plants
Subpart Q	Primary zinc smelters	Subpart LLL	Onshore natural gas processing; SO ₂ emissions
Subpart R	Primary lead smelters	Subpart NNN	VOC emissions from SOCMI distillation operations
Subpart S	Primary aluminum reduction plants	Subpart PPP	Wool fiberglass insulation manufacturing plants
Subpart T	Phosphate fertilizer industry: Wet process phosphoric acid plants	Subpart QQQ	VOC emissions from petroleum refinery wastewater emissions
Subpart U	Phosphate fertilizer industry: Superphosphoric acid plants	Subpart SSS	Magnetic tape coating facilities
Subpart V	Phosphate fertilizer industry: Diammonium phosphate plants	Subpart TTT	Industrial surface coating: Surface coating of plastic parts for business machines
Subpart W	Phosphate fertilizer industry: Triple superphosphate plants	Subpart VVV	Polymeric coating of supporting substrates facilities:
Subpart X	Phosphate fertilizer industry: Granular triple superphosphate storage facilities		
Subpart Y	Coal preparation plants		
Subpart Z	Ferroalloy production facilities		
Subpart AA	Steel plants: Electric arc furnaces		
Subpart AAa	Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels		
Subpart BB	Kraft pulp mills		
Subpart CC	Glass manufacturing plants		
Subpart DD	Grain elevators		
Subpart EE	Industrial surface coating: Metal furniture		
Subpart GG	Stationary gas turbines		
Subpart HH	Lime manufacturing plants		
Subpart KK	Lead-acid battery plants		
Subpart LL	Metallic mineral processing plants		
Subpart MM	Automobile and light duty truck surface coating operations		
Subpart NN	Phosphate rock plants		
Subpart PP	Ammonium sulfate manufacture		

Note: For fossil fuel fired steam generators referenced by Subpart D and Da above, units greater than 250 megawatts are governed by the energy facility site.

28 29. Any source which emits a contaminant subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS);

29 30. Any major stationary source as defined below; "Major source" means any stationary source (or any group of stationary sources) that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control) belonging to a single major industrial grouping and that are described in (a), (b), or (c) of this subsection. For the purposes of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the *Standard Industrial Classification Manual*, 1987.

(a) A major source under section 112 of the FCAA, which is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, ten tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to section 112(b) of the FCAA, twenty-five tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(b) A major stationary source of air pollutants, as defined in section 302 of the FCAA, that directly emits or has the potential to emit, one hundred tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator).

(c) A major stationary source as defined in part D of title I of the FCAA, including:

(i) For ozone nonattainment areas, sources with the potential to emit one hundred tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," fifty tpy or more in areas classified as "serious," twenty-five tpy or more in areas classified as "severe," and ten tpy or more in areas classified as "extreme"; except that the references in this paragraph to one hundred, fifty, twenty-five, and ten tpy of nitrogen oxides shall not apply with respect to any source for which the Administrator has made a finding, under section 182 (f)(1) or (2) of the FCAA, that requirements under section 182(f) of the FCAA do not apply;

(ii) For ozone transport regions established pursuant to section 184 of the FCAA, sources with the potential to emit fifty tpy or more of volatile organic compounds;

(iii) For carbon monoxide nonattainment areas (A) that are classified as "serious," and (B) in which stationary sources contribute significantly to carbon monoxide levels, sources with the potential to emit fifty tpy or more of carbon monoxide; and

(iv) For particulate matter (PM-10) nonattainment areas classified as "serious," sources with the potential to emit seventy tpy or more of PM-10.

~~30~~ 31. Any of the following categories of sources which are listed in WAC 173-460-030(1):

Standard industrial classifications:

Major group 10-Metal mining.

Major group 12-Bituminous coal and lignite mining.

Major group 13-Oil and gas extraction.

Manufacturing industries major groups 20-39.

Major group 49-Electric, gas, and sanitary services except 4971 irrigation systems.

Dry cleaning plants, 7216.

General medical surgical hospitals, 8062.

Specialty hospitals, 8069.

National Security, 9711.

Any Source category listed in WAC 173-490-030(1) except WAC 173-490-030 (1)(e) Gasoline dispensing facilities.

WAC 173-490-030(1) categories:

- a. Petroleum refineries.
- b. Petroleum liquid storage tanks.
- c. Gasoline loading terminals.
- d. Bulk gasoline plants.
- f. Surface coaters.
- g. Open top vapor degreasers.
- h. Conveyerized degreasers.
- i. Gasoline transport tanks.
- j. Vapor collection systems.
- k. Perchloroethylene dry cleaning systems.
- l. Graphic arts systems.
- m. Surface coaters of miscellaneous metal parts and products.
- n. Synthesized pharmaceutical manufacturing facilities.
- o. Flatwood panel manufacturers and surface finishing facilities.

Any of the following sources:

Landfills.

Sites subject to chapter 173-340 WAC Model Toxics Control Act—Cleanup regulation.

B. A special report of closure shall be filed with the Authority whenever operations producing emissions are permanently ceased for any source listed in Section 4.01(A) above.

C. It shall be the duty of all persons, firms or corporations engaged in the business of selling combustion type orchard heating devices to report to the Authority the sale of such devices to be installed or used anywhere within the jurisdiction of the Yakima County Clean Air Authority.

The report herein provided for shall be in writing and shall be delivered to or mailed to the Authority within ten (10) days after such sale and shall contain the name and address of the purchaser and the location of the property at which such devices are to be installed or used.

D. The owner or operator of any proposed new source shall register the source with the Authority.

E. Initial registration and reporting shall be on forms supplied by the Authority within the time specified thereon. The forms will provide for the submission of information concerning locations, size and height of contaminant outlets, processes employed, nature of the contaminant emission and such other information relevant to air pollution as the Authority may require.

After initial registration and reporting, subsequent general reports shall be filed annually during January on forms supplied by the Authority in accordance with the terms of the Pollution Disclosure Act of 1971, Chapter 160, Laws of 1971, Extraordinary Session.

F. A separate registration shall be required for each source of contaminant provided that an owner or lessee has the option to register a process with a detailed inventory of contaminant sources and emissions related to said process and provided further than an owner need not make a separate registration for identical units or equipment or control apparatus installed, altered or operated in an identical manner on the same premises.

G. Each registration shall be signed by the owner or lessee or agent for such owner or lessee. The owner or the lessee of the source shall be responsible for the registration and the correctness of the information submitted.

H. All registrants shall pay a fee for registration in accordance with the registration fee schedule in Article XIII, Section 13.01 of this regulation.

SECTION 4.02 - NOTICE OF CONSTRUCTION

A. General Requirement.

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

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

B. Completeness Determination.

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

C. Final Approval.

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

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

D. Conditions.

Every order of approval issued pursuant to this section shall:

1. Be reviewed prior to issuance by a professional engineer in the employ of the Authority or the Washington State Department of Ecology.
2. Include a determination of whether the operation of the new air contaminant source at the location proposed will cause any ambient air quality standard to be exceeded or cause a potential hazard to public health.
3. Include a determination that the proposed new source will comply with all applicable New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants.

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

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

Any features, machines and devices constituting parts of or called for by plans, specifications or other information

submitted pursuant to this section shall be maintained and operated in good working order.

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

E. Control Technology Requirements.

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

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

For an existing stationary source for which the emission control technology is replaced or substantially altered, but does not constitute a major modification, Best Reasonably Available Control Technology (RACT) (BACT) and reasonable operation and maintenance conditions for the control equipment may be required by the Authority.

F. Notice of Completion - Notice of Violation.

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

G. Temporary Sources.

For sources such as asphalt batch plants with multiple locations which locate temporarily at particular sites, the owner or operator shall be permitted to operate at a temporary location without filing a notice of construction, providing that the owner or operator notifies the Authority of intent to operate at the new location at least thirty (30) days prior to starting the operation, and supplies sufficient information to enable the Authority to determine that the operation will comply with the emission standards for a new source and the applicable ambient air standards, and if in a non-attainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time (one year or less) and the Authority may set specific conditions for operation during said period which shall include a requirement to comply with all applicable emission standards.

H. Public Notice.

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

- a. If otherwise required by state or federal laws or regulations; or
- b. If the proposed source would cause an annual increase of ten tons of any air contaminant for which the ambient air quality standards have been established; or

c. If the Yakima County Clean Air Authority determines that such public comment would be appropriate.

2. Within fifteen days of receipt of a complete application for a Notice of Construction the Authority shall determine whether public notice is required, and if so it shall publish notice to the public of an opportunity to submit written comments during a thirty (30) day period. Such public notice shall contain the following information:

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

I. Fee Assessment.

Any person submitting a Notice of Construction pursuant to the terms of this Regulation shall be assessed a fee by the Authority in accordance with the fee schedule in Article XIII, Section 13.02 of this regulation.

SECTION 4.03 - EXCEPTIONS TO ARTICLE IV

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

A. Air conditioning or ventilating systems not designed to remove contaminant generated by or released from equipment.

B. Blast cleaning equipment which uses a suspension of abrasive in liquid water.

C. Fuel burning equipment if used solely for a private dwelling serving three (3) families or less.

D. Insecticide and herbicide spray equipment.

E. Non-stationary internal combustion engines, including gas turbine and jet engines.

F. Laboratory equipment used exclusively for chemical or physical analysis.

G. Laundry driers, extractors or tumblers used exclusively for the removal of water from fabric.

H. Application of surface coatings by use of an aqueous solution or suspension if used on external or internal walls of residential, commercial or industrial facilities.

I. Steam cleaning equipment used exclusively for that purpose.

J. Vacuum producing devices used in laboratory operations, and vacuum producing devices which do not remove or convey air contaminant from or to another source.

K. Vents used exclusively for:

1. Sanitary or storm drainage systems; or
2. Safety valves; or
3. Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.

L. Construction of single family or duplex dwellings.

ARTICLE V

EMISSION STANDARDS AND PREVENTATIVE MEASURES

SECTION 5.01 - OUTDOOR BURNING

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

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

1. Residential Burning;

2. Outdoor burning of less than 500 tons of residue of natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects.

3. Agricultural burning as defined in WAC 173-430-030.

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

1. Abating of forest fire hazard;

2. Prevention of fire hazard;

3. Instruction of public officials in the method of forest fire fighting;

4. Any silviculture operation to improve the forest lands of the state;

5. All silvicultural burning used to promote regeneration of rare and endangered plants found within natural area preserves, as identified under Chapter 79.70 RCW or used to maintain fire dependent ecosystems for rare plants or animals within the state, federal and private natural park area preserves, natural resource conservation areas, parks and other wildlife areas.

C. Except as set forth in subsection 5.03(D) hereof, ~~a~~All other outdoor burning will be governed by permits issued by the Yakima County Clean Air Authority.

D. Except as set forth in subsection 5.03(D) hereof, ~~it~~ is a violation of these Regulations for any person to conduct outdoor burning without obtaining a permit from the responsible jurisdiction as set forth above.

E. Any person requesting a permit from a local responsible jurisdiction, such as local city, town, fire protection district, conservation district or the Authority, for an outdoor burning permit shall pay a fee as governed by the fee schedule of that agency then in effect. The fee schedule in effect for the Yakima County Clean Air Authority is as shown in Article XIII, Section 13.03 of this regulation.

SECTION 5.02 - REGULATIONS APPLICABLE TO ALL OUTDOOR BURNING

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

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

a. Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, metal, or any substance other than

natural vegetation that normally emits dense smoke or obnoxious odors.

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

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

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

SECTION 5.03 - REGULATIONS APPLICABLE TO ALL OUTDOOR BURNING WITHIN THE JURISDICTION OF THE YAKIMA COUNTY CLEAN AIR AUTHORITY, LOCAL CITIES, TOWNS, FIRE PROTECTION DISTRICTS AND CONSERVATION DISTRICTS

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

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

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

1. Such areas threaten to exceed state or federal air quality standards, and;

2. Alternative disposal practices consisting of a good solid waste management plan are reasonably available or practices eliminating production of organic refuse are reasonably available.

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

~~1. Weed abatement along ditch banks and fence lines;~~
~~2. Agricultural burning as defined in WAC 173-425-030;~~

~~3. Instruction in methods of fire fighting conducted by fire districts or city fire departments or any government controlled fire fighting agency;~~

~~All such permits issued pursuant to this provision shall be subject to the conditions and limitations as are set forth in Section 5.04 hereof.~~

~~E. (D) Outdoor burning shall be allowed without permit for:~~

~~1. Small outdoor fires on an occasional basis for ceremonial, religious, or cooking purposes or like social purposes;~~

~~2. Fires from barbecues, flares, torches, gas burners, incense burners and insect pots.~~

~~3. Structure fires for instruction in methods of fire fighting, conducted by fire districts or city fire department or any government controlled fire fighting agency, and outside any urban growth area as defined in RCW 36.70(a).030 and~~

RCW 36.70(a).110, if all of the following conditions are met:

a. The fire conforms with any other permits, licenses, or approvals that are required;

b. The fire is not located in an area that is declared to be in an air pollution episode or any state of an impaired air quality as defined in RCW 70.94.715 and 70.94.473;

c. Nuisance laws are applicable to the fire, including nuisances related to the unreasonable interference with the enjoyment of life and property and the depositing of particulate matter or ash on other property;

d. Notice of the fire is provided to the owners of property adjoining the property where the fire will occur, to the persons who potentially will be impacted by the fire;

e. Each structure that is proposed to be set on fire must be identified specifically as a structure to be set on fire. Each other structure on the same parcel of property that is not proposed to be set on fire must be identified specifically as a structure that is not proposed to be set on fire; and

f. Before setting a structure on fire, a good faith inspection is conducted to determine if materials containing asbestos are present, the inspection is documented in writing and forwarded to the Authority, and asbestos that is found is removed prior to the burning.

SECTION 5.04 - REGULATIONS APPLICABLE TO PERMITS ISSUED BY THE YAKIMA COUNTY CLEAN AIR AUTHORITY FOR ALL OTHER OUTDOOR BURNING

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

1. ~~Except as set forth in Section 5.03(D) hereof, Weed abatement, agricultural burning to control diseases and insects or developments of physiological conditions conducive to increase crop yield.~~

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

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

2. ~~Except as set forth in Section 5.03(D) hereof, I~~nstruction in methods of fire fighting conducted by fire districts or city fire departments or any government controlled fire fighting agency.

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

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

D. All applications for permits must demonstrate that the setting of fires as requested is the most reasonable procedure to follow in safeguarding life and property and no other reasonable alternative (as defined in the WAC 173-

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425) is available to successfully carry out the enterprise in which the applicant is engaged.

SECTION 5.05 - ADDITIONAL RESTRICTIONS ON OUTDOOR BURNING

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

A. No open burning shall be conducted when the Control Officer, acting on guidelines for air quality control which are hereafter established by the Board, has prohibited such burning by a curtailment call or Ecology has declared an Air Pollution Episode.

~~B. No open burning shall be conducted during any stage of an Air Pollution Episode and~~

~~1. Any person or entity responsible for an open fire shall immediately proceed to extinguish such fire to prevent visible smoke when notified of the existence of an air pollution episode by any of the means set forth hereafter. Notice will be deemed sufficient to the public for all purposes of these Regulations after twelve (12) three (3) hours have elapsed from the time such notice has been delivered to and published by a newspaper of general circulation in the area where such limitation applies, or has been delivered to and broadcasted by a radio or television station serving the area, for a small fire and 10 hours for the remaining fires.~~

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

SECTION 5.06 - GENERAL STANDARDS FOR MAXIMUM PERMISSIBLE EMISSIONS

All sources and emissions units are required to meet the emission standards of this chapter. Where an emission standard listed in another chapter is applicable to a specific emissions unit, such standard will take precedent over a general emission standard listed in this chapter. When two or more emissions units are connected to a common stack and the operator elects not to provide the means or facilities to sample emissions from the individual emissions units, and the relative contributions of the individual emissions units to the common discharge are not readily distinguishable, then the emissions of the common stack must meet the most restrictive standard of any of the connected emissions units. Further, all emissions units are required to use reasonably available control technology (RACT) which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of any chapter of Title 173 WAC. Where current controls are determined to be less than RACT, ecology or the authority shall, on a case-by-case basis, define RACT for each source

or source category and issue a regulatory order to the source or sources for installation of RACT.

A. Visible Emissions.

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

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

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

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

B. Preventing particulate matter from becoming airborne.

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

C. Material handling.

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

D. Odor.

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

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

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

F. Sulfur dioxide.

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

~~ous ambient air monitoring stations at locations and using equipment approved by the Authority. All sampling results will be made available upon request and a monthly summary will be submitted to the Authority.~~

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

G. Concealment and masking.

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

H. Fugitive dust sources.

1. The owner or operator of a source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions.

2. The owner(s) or operator(s) of any existing source(s) of fugitive dust that has been identified as a significant contributor to a Category I PM-10 area shall be required to use reasonably available control technology to control emissions. Significance will be determined by the definition found in 40 CFR Part 51, Appendix S, as amended July 1, 1990.

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

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

SECTION 5.07 - MINIMUM EMISSION STANDARDS FOR COMBUSTION AND INCINERATION SOURCES

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

B. For all incinerator sources no person shall cause or permit emissions in excess of 100 ppm of total unburned hydrocarbons as measured by applicable EPA methods or acceptable procedures contained in "Source Test Manual Procedure for Compliance Testing", State of Washington, Department of Ecology on file with the Authority or Ecology. Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from the Authority.

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

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

E. No person shall cause or permit emissions in excess of Section 5.08.

SECTION 5.08 - MINIMUM EMISSION STANDARDS FOR GENERAL PROCESS SOURCES

General Process Units are required to meet all applicable provisions of Section 5.06 No person shall cause or permit the emission of particulate matter from any general process operation in excess of one tenth (0.10) grains per standard cubic foot of dry exhaust gas as tested in accordance with 40 CFR Part 60 Appendix A, Method 5, "Determination of Particulate Emissions from Stationary Sources".

SECTION 5.09 - MINIMUM STANDARDS OR PROCEDURES FOR CERTAIN SOURCE CATEGORIES

The Authority finds that reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the minimum standards for sources within the categories listed and except as specifically provided in this Section, such sources shall be required to meet the provisions of Section 5.06, Section 5.07, and Section 5.08.

A. Asphalt Batch Plants.

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

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

B. Hogged Fuel Boilers.

1. No person shall operate a hogged fuel boiler that will cause or permit an emission for more than three (3) minutes in any one (1) hour of an air contaminant from any source which, at the emission point or within a reasonable distance of the emission point, exceeds twenty percent (20%) opacity or which causes an emission of particulate matter in excess of one-fifth (0.20) grains per standard dry cubic foot. Particulate matter emissions shall be measured by EPA Method 5 or approved procedures contained in "Source Test Manual Procedure for Compliance Testing", State of Washington Department of Ecology on file at the Authority or Ecology. Provided that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of these units. This practice is to be scheduled for the same specific times each day and the Authority shall be notified of the schedule or any changes.

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

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

a. A requirement to meet provisions of Section 5.07.

b. A requirement to utilize Best Available Control Technology.

c. A requirement to reduce or eliminate emissions if the Authority establishes that such emissions unreasonably in-

terfere with the use or enjoyment of the property of others or if such reductions or eliminations are necessary to meet ambient air quality standards.

C. Orchard Heating.

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

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

D. Grain Elevators.

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

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

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

E. Asbestos.

No person shall remove or otherwise disturb asbestos, to the extent that asbestos fibers may become airborne, without notifying the Authority ten (10) business days prior to removal. If removal is necessary due to an emergency, the ten day waiting period may be waived by the Authority.

1. Private Residents.

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

2. Small Quantity Asbestos Material.

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

3. Commercial, Industrial or other sources.

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

4. Fees or Administrative Charges.

Fees associated with this subsection (5.09(E)) shall be in accordance with Article XIII, Section 13.04 of this regulation.

F. Wigwam Burners.

1. All wigwam burners shall meet all provisions of Section 5.06 (B), (C), (D), (E), (F) and (G).

2. All wigwam burners shall use RACT. All emissions units shall be operated and maintained to minimize emissions. These requirements may include a controlled tangen-

tial vent over fire air system, an adequate under fire system, elimination of all unnecessary openings, a controlled feed and other modifications determined necessary by ecology or the authority.

3. It shall be unlawful to install or increase the existing use of any burner that does not meet all requirements for new sources including those requirements specified in Section 5.06 and Section 5.07, except operating hours.

4. Ecology may establish additional requirements for wigwam burners located in sensitive areas as defined by chapter 173-440 WAC. These requirements may include but shall not be limited to:

(a) A requirement to meet all provisions of Section 5.06 and Section 5.07. Wigwam burners will be considered to be in compliance if they meet the requirements contained in Section 5.06(A). An exception is made for a startup period not to exceed thirty minutes in any eight consecutive hours.

(b) A requirement to apply BACT.

(c) A requirement to reduce or eliminate emissions if ecology establishes that such emissions unreasonably interfere with the use and enjoyment of the property of others or are a cause of violation of ambient air standards.

G. Catalytic cracking units.

1. All existing catalytic cracking units shall meet all provisions of Sections 5.06 (B), (C), (D), (E) and (G) and:

(a) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the emission point, or within a reasonable distance of the emission point, exceeds forty percent opacity.

(b) No person shall cause or permit the emission of particulate material in excess of 0.46 grams per dry cubic meter of standard conditions (0.20 grains/dscf) of exhaust gas.

2. All new catalytic cracking units shall meet all provisions of WAC 173-400-115.

H. Other wood waste burners.

1. Wood waste burners not specifically provided for in this section shall meet all provision of Section 5.06.

2. Such wood waste burners shall utilize RACT and shall be operated and maintained to minimize emissions.

SECTION 5.10 - SENSITIVE AREA DESIGNATION

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

SECTION 5.11 - MONITORING AND SPECIAL REPORTING

A. Monitoring.

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

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

B. Investigation of conditions.

The Control Officer or an authorized representative shall have authority to investigate conditions as set forth in Section 2.02(C). Investigation shall be for the purpose of determining the control, recovery or release of air contaminants into the atmosphere.

C. Source testing.

In order to demonstrate compliance with this Regulation, the Authority or its authorized representative may require that a test be conducted of the source using approved EPA methods from 40 CFR 60 Appendix A on file at the Authority or Ecology, made of the source in a manner approved by the Authority. The operator of a source may be required to provide the necessary platform and sampling ports to perform a test of the source. The Authority shall be allowed to obtain a sample from any source. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at any time.

D. Report of breakdown or upset condition.

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

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

E. Continuous Monitoring and Recording.

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

1. Fossil fuel-fired steam generators.

a. Opacity, except where:

- (1) Steam generator capacity is less than 250 million BTU per hour heat input, or
- (2) Only gaseous fuel is burned.

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

b. Sulfur dioxide, except where:

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

(2) Sulfur dioxide control equipment is not required.

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

d. General exception.

These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent (30%), as reported to the Federal Power Commission for the calendar year 1974, or as otherwise demonstrated to the Authority by the owner or operator.

2. Sulfuric acid plants.

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

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

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

4. Wood residue fuel-fired steam generators.

a. Opacity, except where:

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

b. Continuous monitoring equipment.

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

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

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

G. Special considerations.

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

H. Exemptions.

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

1. Subject to a New Source Performance Standard.
2. Not subject to an applicable Emission Standard.
3. ~~Scheduled for retirement within five (5) years after inclusion of monitoring equipment requirements in this Regulation, provided that adequate evidence and guarantees are provided that clearly show that the source will cease operations prior to that date.~~

I. Monitoring system malfunctions.

A source may be temporarily exempted from the monitoring and reporting requirements of this Regulation during periods of monitoring system malfunctions provided that the source owner or operator shows to the satisfaction of the Authority that the real malfunction was unavoidable and is being repaired as expeditiously as practicable.

J. Emission inventory.

The owner(s) or operator(s) of any air contaminant source shall submit an inventory of emissions from the source each year. The inventory may include stack and fugitive emissions of particulate matter, PM-10, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), flourides, lead, VOCs, and other contaminants, and shall be submitted (when required) no later than one hundred five days after the end of the calendar year., The owner(s) or operator(s) shall maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards.

K. Change in raw materials or fuels. Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of forty tons per year or more over that stated in the initial inventory required by WAC 173-400-105(1) shall require the submittal of sufficient information to ecology or the authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. Ecology or the authority may issue regulatory orders requiring controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase in average annual sulfur content over the initial inventory shall not require such notice.

SECTION 5.12 - PREVENTIVE MEASURES

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

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

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

D. Any person engaged in the construction, repair, remodeling or demolishing of any building, or engaging in any road construction or repair within any incorporated town or city in Yakima County, Washington, or within an area of

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

ARTICLE VI**OPERATING PERMITS****SECTION 6.01 - POLICY**

The Yakima County Clean Air Authority shall administer an air operating permit program upon approval of its delegation request, pursuant to Chapter 173-401 WAC. Under this program any air contaminant source subject to Chapter 173-401-300 WAC shall be required to have an air operating permit.

SECTION 6.02 - FEE ASSESSMENT

Pursuant to RCW 70.94.161(14), the Authority shall allocate its fiscal 1994 air operating permit program development costs among the sources under its jurisdiction emitting one hundred tons or more per year of a regulated pollutant during calendar year 1992 and shall collect interim fees from these sources. Interim air operating permit fees collected by the Authority on behalf of the Department of Ecology shall be remitted to the Department by March 1, 1994.

Pursuant to RCW 70.94, (Bill 1089), the Authority shall determine, assess, and collect annual fees sufficient to cover the Authority's direct and indirect costs of implementing its air operating permit program.

Upon receiving delegation authority ~~per Section 6.03 of this article~~, air operating permit fees collected by the Authority on behalf of the Department of Ecology shall be collected from each source in two equal payments and shall be remitted to the Department by March 1 and June 30, respectively, of each year.

All air operating permit fees collected by the Authority on its own behalf shall be deposited into an air operating permit account dedicated exclusively to the support of its Air Operating Permit Program. The payment schedule for all air operating permit fees collected by the Authority on its own behalf shall be four equal payments with each payment due at the beginning of the respective fiscal quarter. The fiscal year for the Authority begins July First.

All air operating permit fees collected by the Authority on behalf of itself shall be calculated according to Article XIII, Section 13.05 of this regulation.

ARTICLE VIII**PENALTY AND SEVERABILITY****SECTION 8.01 - PENALTY FOR VIOLATION**

A. Any person who knowingly violates any of the provisions of these Regulations or any ordinance, resolution,

statute or regulation in force pursuant thereto shall be guilty of a crime and upon conviction thereof shall be punished by a fine of not more than Ten Thousand Dollars (\$10,000) or by imprisonment in the county jail for not more than one (1) year, or both.

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

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

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

SECTION 8.02 - ADDITIONAL OR ALTERNATIVE PENALTIES

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

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

B. Penalties incurred but not paid shall accrue interest beginning on the ninety-first (91st) day following the date that the penalty becomes due and payable at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed interest shall not begin to accrue until the thirty-first (31st) day following the final resolution of the appeal.

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

D. In addition to the other penalties provided above, any person knowingly under-reporting emissions or other information used to set fees or persons required to pay emissions or permit fees who are more than ninety (90) days

late with such payments may be subject to a penalty equal to three (3) times the amount of the original fee owed.

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

F. In addition to the other provisions of this Section, a specific Civil Penalty may be imposed in violation of other Sections of this Regulation in accordance to the following schedule:

G. Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

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Section Violated	Civil Penalty per Written Notices Issued			
	First	Second *	Third *	Subsequent
SECTION 2.03 - Miscellaneous Provisions	\$100 to \$1,000	\$2,000 to \$3,000	go to Subsequent	Up to \$10,000
SECTION 4.01 - Registration	\$50 to \$500	\$1,000 to \$3,000	go to Subsequent	Up to \$10,000
SECTION 4.02 - Notice of Construction	\$50 to \$500	\$1,000 to \$3,000	go to Subsequent	Up to \$10,000
SECTION 5.01 - Outdoor Burning	Warning to \$25	\$25 to \$50	\$50 to \$100	Up to \$10,000
SECTION 5.02 - Regulations Applicable to All Outdoor Burning	\$25 to \$500	Up to \$1,000	Up to \$2,000	Up to \$10,000
SECTION 5.03 - Regulations Applicable to All Outdoor Burning within the Jurisdiction of the YCCAA, Local Cities, Towns, Fire Protection Districts and Conservation Districts	Warning to \$25	\$25 to \$50	\$50 to \$100	Up to \$10,000
SECTION 5.04 - Regulations Applicable to Permits Issued by YCCAA for All Other Outdoor Burning	\$25 to \$500	Up to \$1,000	Up to \$2,000	Up to \$10,000
SECTION 5.05 - Additional Restrictions on Outdoor Burning	\$25 to \$500	Up to \$1,000	Up to \$2,000	Up to \$10,000
SECTION 5.06 - General Standards for Maximum Permissible Emissions	\$50 to \$500 or Warning to \$25	Up to \$1,000 or \$25 to \$50	Up to \$2,000 or \$50 to \$100	Up to \$10,000
SECTION 5.07 - Minimum Emission Standards for Combustion and Incineration Sources	\$50 to \$500	Up to \$1,000	Up to \$2,000	Up to \$10,000
SECTION 5.09 - Minimum Standards or Procedures for Certain Source Categories	\$50 to \$500 or Warning to \$25	Up to \$1,000 or \$25 to \$50	Up to \$2,000 or \$50 to \$100	Up to \$10,000
SECTION 5.12 - Preventive Measures	\$50 to \$500	Up to \$1,000	Up to \$2,000	Up to \$10,000
ARTICLE IX - Woodstoves and Fireplaces	\$50 to \$500 or Warning to \$25	Up to \$1,000 or \$25 to \$50	Up to \$2,000 or \$50 to \$100	Up to \$10,000

* Civil Penalty suspended from the previous Written Notice may be added.

SECTION 8.03 - ASSURANCE OF DISCONTINUANCE

As an additional means of enforcing these Regulations, the Board may accept an assurance of discontinuance of any

act or practice deemed in violation of this Regulation, from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall specify a time limit during which such discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of these Regulations, or order issued pursuant hereto, which make the

alleged act or practice unlawful for the purpose of securing any injunction or other relief from the Superior Court as provided in RCW 70.94.425.

SECTION 8.04 - RESTRAINING ORDER - INJUNCTIONS

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

SECTION 8.05 - SEVERABILITY

If any phrase, clause, subsection, or section of this Regulation shall be declared unconstitutional or invalid by any court of competent jurisdiction to any person shall be conclusively presumed that the Board of Directors would have enacted this Regulation without the phrase, clause, subsection, or section so held unconstitutional or invalid and the remainder of the Regulation shall not be affected as a result of said part being held unconstitutional or invalid, nor shall that provision be affected by other persons or circumstances.

ARTICLE IX

WOODSTOVES AND FIREPLACES

SECTION 9.01 - POLICY

Without limiting the power of the Yakima County Clean Air Authority or its Director or Agents, the Authority states that it shall be its policy, to the extent that it is compatible with the enforcement of the regulations, to instruct and educate the public and violators of the hazards to health caused by woodsmoke, and to authorize educational materials concerning those dangers.

SECTION 9.02 - OPACITY

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

SECTION 9.03 - PROHIBITIVE FUEL TYPES

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

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

SECTION 9.04 - LIMITATIONS OF SALES OF SOLID FUEL BURNING DEVICES

A. After January 1, 1992, no used solid fuel burning devices shall be installed in new or existing buildings unless such device is either Oregon Department of Environment Quality Phase II or EPA certified, or a pellet stove either certified or exempt from certification by the EPA or a fireplace furnace with a letter of exemption from the Washington State Department of Ecology and the United States Environmental Protection Agency.

B. Solid Fuel Burning Devices.

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

1. Two and one-half (2 1/2) grams per hour for catalytic woodstoves; and
2. Four and one-half (4 1/2) grams per hour for all other solid fuel burning devices.

3. For purposes of this subsection, "equivalent" shall mean the emissions limits specified in this subsection multiplied by a statistically reliable conversion factor determined by ecology that relates the emission test results from the methodology established by the EPA prior to May 15, 1991, to the tests results from the methodology subsequently adopted by that agency.

C. Fireplaces.

After January 1, 1997, a person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a factory built fireplace unless it meets the 1990 EPA standards for woodstoves or equivalent standard that may be established by the state building code council by rule. Subsection 9.04(A) shall not apply to fireplaces, including factory built fireplaces, and masonry fireplaces.

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

E. Exemptions

The following solid fuel devices shall be exempt from the requirements of Section 9.04(B):

- Boilers;
- Furnaces;
- Cookstoves.

SECTION 9.05 - PROHIBITION OF VISIBLE EMISSIONS DURING AIR POLLUTION EPISODES

A. Any person in a residence or commercial establishment which has an adequate source of heat other than a solid fuel burning device shall:

1. Not use any solid fuel burning device whenever the Department of Ecology or the Authority has determined

under RCW 70.94.715 that any Air Pollution Episode exists in that area.

2. Not use any solid fuel burning device except those which are either Oregon Department of Environmental Quality Phase II or United States Environmental Protection Agency certified or certified by the Department of Ecology under RCW 70.94.457(1) or a pellet stove either certified or issued an exemption by the United States Environmental Protection Agency in accordance with Title 40, Part 60 of the Code of Federal Regulations in the geographic area and for the period of time that a first stage of impaired air quality has been determined by the Department of Ecology or by the Yakima County Clean Air Authority. The geographic area affected by a first stage of impaired air quality is the Woodsmoke Control Zone as defined in Section 1.03(84). A first stage of impaired air quality is reached when particulates ten microns and greater in diameter are at an ambient level of 75 micrograms per cubic meter measured on a 24 hour average or when CO is at an ambient level of 8 parts of contaminant per million parts of air by volume measured on an 8 hour average.

3. Not use any solid fuel burning device, including those that meet the standards set forth in RCW 70.94.457, in any geographic area for the period of time that a second stage of impaired air quality has been determined by the Department of Ecology or the Yakima County Clean Air Authority. The geographic area affected by a second stage of impaired air quality is the Woodsmoke Control Zone as defined in Section 1.03(84). A second stage of impaired air quality is reached when particulates ten microns and smaller in diameter are at an ambient level of 90 micrograms per cubic meter measured on a 24 hour average or when CO is at an ambient level of 8 parts of contaminant per million parts of air by volume measured on an 8 hour average.

ARTICLE X

CHLOROFLUOROCARBONS

SECTION 10.01 - POLICY

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

ARTICLE XI

EFFECTIVE DATE

The effective date of these Regulations shall be ~~November 18, 1993~~ November 8, 1995.

ARTICLE XII

ADOPTION OF STATE AND FEDERAL REGULATIONS

SECTION 12.01 - STATE REGULATIONS

The Yakima County Clean Air Authority hereby adopts by reference and incorporates herein, as if specifically set forth herein, all of the terms and provisions of the Washington State Administrative Code as identified below, except as the same may be less stringent than the provisions of this Regulation of the Yakima County Clean Air Authority:

Chapter 173-400 WAC	General Regulations for Air Pollution Sources;
Chapter 173-401 WAC	Operating Permit Regulation;
Chapter 173-425 WAC	Open Burning;
Chapter 173-430 WAC	Burning of Field and Turf Grasses Grown for Seed; <u>Agri-cultural Burning;</u>
Chapter 173-433 WAC	Solid Fuel Burning Device Standards;
Chapter 173-434 WAC	Solid Waste Incineration Facilities;
Chapter 173-435 WAC	Emergency Episode Plans;
Chapter 173-470 WAC	Suspended Particulate (ambient Standards); <u>Ambient Air Quality Standards For Particulate Matter;</u>
Chapter 173-474 WAC	Sulphur Oxide Standards;
Chapter 173-475 WAC	Photochemical Oxidant, Hydrocarbons, Nitrogen Dioxide (Ambient Standards);
Chapter 173-460 WAC	Controls for New Sources of Toxic Air Pollutants;
Chapter 173-490 WAC	Emission Standards and Controls for Sources Emitting Volatile Organic Compounds (VOC);
Chapter 173-491 WAC	emission Standards and Controls for Sources Emitting Gasoline Vapors.

SECTION 12.02 - FEDERAL REGULATIONS

The Yakima County Clean Air Authority hereby adopts by reference and incorporates herein, as if specifically set forth herein, all of the terms and provisions of the Code of Federal Regulations as identified below:

Title 40 CFR Part 60, New Source Performance Standards (NSPS);

Title 40 CFR Part 61, National Emissions Standards for Hazardous Air Pollutants (NESHAPS).

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

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

WSR 95-18-005
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 23, 1995, 1:50 p.m.]

Original Notice.

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Preproposal statement of inquiry was filed as WSR 95-13-020.

Title of Rule: WAC 388-86-005 Services available to recipients of categorically needy medical assistance, 388-86-030 Vision care, 388-86-073 Occupational therapy, 388-86-075 Outpatient and emergency care, 388-86-090 Physical therapy, 388-86-098 Speech therapy services, 388-500-0005 Medical definitions, 388-503-0370 Medically indigent eligible persons, 388-519-1905 Base period, 388-518-1805 LCP-MI eligibility, 388-518-1810 LCP-MI emergency medical expense requirement (EMER), 388-518-1840 LCP-MI spenddown, 388-521-2140 Effective date for the medically indigent, and 388-529-2950 Scope of care—Medically indigent.

Purpose: Amendments implement legislative changes to the MI programs, correct a typographical error, and move the rules concerning cataracts from WAC 388-86-095 to WAC 388-86-030. Inform department staff of the legislated MI program changes. Restricts MI covered services. Increases the MI EMER to \$2000.00. Restricts MI certification to three months. State law - section 209.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Informs department staff of the legislated MI changes. This legislation (1) restricts MI covered services; (2) increases the MI EMER from \$1500 to \$2000; and (3) restricts MI certification to three months.

Reasons Supporting Proposal: Proposed amendments implement the legislative changes to the MI program, correct a typographical error, and move the rules concerning cataracts from WAC 388-86-095 to WAC 388-86-030.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, (360) 753-7462.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposed amendment is to implement legislative intent regarding the reduction of covered services and limitations of the MI program.

Proposal Changes the Following Existing Rules: See above and text below.

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

Small Business Economic Impact Statement

Background: The Medical Assistance Administration (MAA) of the Department of Social and Health Services (DSHS) is proposing changes to rules related to the state-funded medically indigent (MI) program. The rule amendments are necessary to comply with the 1995-1997 State Budget Act, section 209(11) of ESHB 1410. The budget act reduces and eventually eliminates the state-funded MI program. DSHS will implement this program reduction and elimination.

The rule amendments were filed on July 1 for emergency adoption to comply with the budget act. However, this statement has been prepared for consideration with the notice for permanent rule adoption under the Administrative Procedure Act, chapter 34.05 RCW, and is intended to

comply with the Regulatory Fairness Act, chapter 19.85 RCW.

Summary of Rule Change: Under the proposed amendments to the MI program, DSHS will pay for the following services only: Emergency transportation and acute emergency hospital services, including emergency room physician services and related inpatient hospital physician services. The department will no longer pay for outpatient services under the MI program. Further, payment for MI services will be limited to a three month period per client until the program is eliminated June 30, 1996. Finally, the amount that a client must pay before being eligible for MI coverage will increase from \$1500 to \$2000.

Cost of Compliance: Potential costs to affected businesses will be in the form of reduced revenue resulting from fewer services covered by the MI program and its eventual elimination. The amendments do not impose additional reporting, record keeping or other compliance requirements.

Affected Businesses: The standard industrial codes for affected businesses are: 8069, Hospitals, specialty, except psychiatric; 8011, Physicians (M.D.) including specialists, office and clinics of; 8031, Physicians osteopathic, offices and clinics of; 8021, Dental, offices and clinics of; 5912, Pharmacies, retail; 8071, X-ray laboratories, including dental; 8032, Home health care services; 5995, Opticians, retail; 8042, Optometrists, offices and clinics of; 7352, Medical equipment retail and leasing; 7629, Medical equipment repair, electrical; 7699, Medical equipment repair, except electrical; 4119, Ambulance, road; 4522, Ambulance, air; 4731, transportation brokerage; 8011, Ophthalmologists, offices of.

Analysis: As stated above, the department assumes the economic impact proposed amendments on small business will be the reduction of revenue resulting from fewer covered services. This SBEIS evaluates the potential impact by looking at 1994 MI payments to department contracted health care providers, industry by industry, for services that will no longer be covered.

The statistics in this analysis were obtained from the MAA budget office. Figures are from November 1994 estimates and actual expenses for calendar year 1994. Statistics on the number of MAA providers are from the 1994 annual report prepared by the MAA. The numbers of licensed providers in the state were obtained from the Department of Health.

Hospitals: The state of Washington has ninety-four hospitals licensed through the Department of Health. MAA contracts with all of these hospitals and twenty out-of-state hospitals in cities on the state's border. All hospitals that MAA contracts with except one lists more than fifty employees. The one hospital lists forty-nine full-time employees. It actually has more than fifty employees due to part-time and shift employees. On the basis of number of employees, hospitals are not considered small businesses and would not be impacted as a small business.

Physicians: Physicians are small businesses because each physician's office is assumed to employ less than fifty persons.

The state of Washington Department of Health lists 16,282 physicians licensed in this state. MAA has 6,254 physicians under contract. Of these contracted physicians, 4,741 provided MI services to clients in 1994. Two thou-

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sand six hundred nine physicians were reimbursed for MI outpatient services. Total reimbursement for outpatient services was \$2,841,692.56, which equals an average of \$1,089 per physician.

The cost to physicians by the proposed amendments result from the elimination of coverage under the MI program for outpatient services. Based on 1994 data, this amounts to an average reduction in reimbursement of \$1,089 per provider in 1994.

Dental: Dental offices are small businesses because each dental office is assumed to employ less than fifty persons.

The state of Washington Department of Health lists 4,500 dentists licensed in this state. MAA has 2,052 dentists under contract. Of these contracted dentists, 142 provided MI services to clients in 1994. Total reimbursement for outpatient services was \$92,507.69, which equals an average of \$651.15 per dentist.

The costs to dentists by the proposed amendments result from the elimination of coverage under the MI program for outpatient services. Based on 1994 data, this amounts to an average reduction in reimbursement of \$651.15 per provider in 1994.

Drugs: Pharmacists are small businesses because each pharmacist's office is assumed to employ less than fifty persons.

The state of Washington Department of Health lists 5,589 pharmacists licensed in this state. MAA has 1,305 pharmacists under contract. Of these contracted pharmacists, 925 provided MI services to clients in 1994. Total reimbursement for outpatient services was \$628,217.88, which equals an average of \$679.15 per pharmacist.

The cost to businesses in this industry is the reduction in revenue which may result from the reduced services covered under the MI program and by the program's eventual elimination.

The cost to pharmacists by the proposed amendments result from the elimination of coverage under the MI program for outpatient services. Based on 1994 data, this amounts to an average reduction in reimbursement of \$651.15 per provider in 1994.

Lab/X-ray: Labs/x-ray are small businesses because each lab/x-ray office is assumed to employ less than fifty persons.

The state of Washington Department of Health lists 2,364 labs/x-ray licensed in this state. MAA has one hundred four labs/x-ray under contract. Of these contracted labs/x-ray, sixty-two lab/x-ray providers provided MI outpatient services to clients in 1994. Total reimbursement for outpatient services was \$92,344.24, which equals an average of \$1,489.42 per provider.

The cost to businesses in this industry is the reduction in revenue which may result from the reduced services covered under the MI program and by the program's eventual elimination.

The cost to labs/x-ray by the proposed amendments result from the elimination of coverage under the MI program for outpatient services. Based on 1994 data, this amounts to an average reduction in reimbursement of \$1,489.42 per provider in 1994.

Home Health: Home health agencies are small businesses because each home health agency's office is assumed to employ less than fifty persons.

Occupational therapy, physical therapy, and speech therapy are included in the services that the home health agencies provide. MAA has sixty-six home health agencies under contract. Of these contracted home health agencies, thirty-six provided MI services to clients in 1994. Total reimbursement for outpatient services was \$40,649.83, which equals an average of \$1,129.16 per home health agency.

The cost to businesses in this industry is the reduction in revenue which may result from the reduced services covered under the MI program and by the program's eventual elimination. The cost to home health agencies by the proposed amendments result from the elimination of coverage under the MI program for outpatient services. Based on 1994 data, this amounts to an average reduction in reimbursement of \$1,129.16 per agency in 1994.

Optical: The standard industrial classification manual lists opticians and optometrists as different industries, however, both businesses provide the same service to MAA clients and use the same payment codes. For billing purposes, MAA combines the payment amounts for these services. Opticians and optometrists will be combined in the evaluation of optical services.

Providers of optical services are small businesses because each optometrist/optician's office is assumed to employ less than fifty persons.

The state of Washington Department of Health lists 791 opticians and 1,194 optometrists licensed in this state. MAA has 620 opticians/optometrists under contract. Of these contracted opticians/optometrists, seventy-six provided MI services to clients in 1994. Total reimbursement for outpatient services was \$4,391.45 which equals an average of \$57.78 per optician/optometrist.

The cost to opticians/optometrists by the proposed amendments result from the elimination of coverage under the MI program for outpatient services. Based on 1994 data, this amounts to an average reduction in reimbursement of \$57.78 per provider in 1994.

Ophthalmologists: The proposed amendments include a change for MAA to eliminate the need for prior authorization for cataract surgery in specific circumstances. This change will be a favorable impact for providers doing this type of service. No negative impact is anticipated based on this proposed change.

DME: Durable medical equipment providers are small businesses because each durable medical equipment office is assumed to employ less than fifty persons.

MAA has two hundred fifty durable medical equipment providers under contract. Of these contracted durable medical equipment providers, one hundred ninety-eight provided MI services to clients in 1994. Total reimbursement for outpatient services was \$165,121.17 which equals an average of \$833.95 per durable medical equipment provider.

The cost to businesses in this industry is the reduction in revenue which may result from the reduced services covered under the MI program and by the program's eventual elimination. The cost to durable medical equipment providers by the proposed amendments result from the elimination of coverage under the MI program for outpatient

services. Based on 1994 data, this amounts to an average reduction in reimbursement of \$833.95 per provider in 1994.

Transportation: Transportation providers are small businesses because each transportation provider's office is assumed to employ less than fifty persons.

MAA has two hundred twenty-six ambulance providers and ten broker providers who contract with an approximate average of twenty transportation providers. Of these contracted transportation providers, all the contracted transportation providers provided MI services to clients in 1994. Total reimbursement for outpatient services was \$441,888. Of this total amount, \$402,118 was reimbursed to ambulance providers and \$39,770 to contract brokers. The ambulance transportation will continue under the MI program. For the contracted broker transportation provider, this equals an average of \$186.66 per broker.

The cost to businesses in this industry is the reduction in revenue which may result from the reduced services covered under the MI program and by the program's eventual elimination. The cost to transportation providers by the proposed amendments result from the elimination of coverage under the MI program for outpatient services. Based on 1994 data, this amounts to an average reduction in reimbursement of \$186.66 per provider in 1994.

Conclusion: To reduce the scope of the MI program is a legislative decision. The department will implement this reduction through these proposed amendments. However, these proposed amendments will have an economic impact of the above listed business. Any changes or alternatives to this implementation in an attempt to reduce the economic impact upon businesses would not be legal or feasible in meeting the stated objective of the statute which is the basis of the proposed rules.

A copy of the statement may be obtained by writing to Joanie Scotson, Program Manager, Medical Assistance Administration, Mailstop 45530, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 753-7462, or FAX (360) 753-7315.

Hearing Location: OB-2 Auditorium, 1115 South Washington Street, Olympia, WA 98504, on October 24, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App by October 10, 1995, TDD (360) 753-4542, or SCAN 753-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by October 17, 1995.

Date of Intended Adoption: October 25, 1995.

August 23, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3620, filed 8/11/93, effective 9/11/93)

WAC 388-86-005 Services available to recipients of ((categorical)) categorically needy medical assistance. (1) The department shall provide the following Title XIX mandatory services:

- (a) Early and periodic screening diagnosis and treatment services to an eligible person twenty years of age or under;
- (b) Family planning services;
- (c) Federally qualified health center services;
- (d) Home health agency services;
- (e) Inpatient and outpatient hospital care;
- (f) Medicare certified rural health clinic services;
- (g) Other laboratory and x-ray services;
- (h) Skilled nursing home care;
- (i) Certified registered nurse practitioner services; and
- (j) Physicians' services in the office or away from the office as needed for necessary and essential medical care.

(2) The department shall provide the following Title XIX optional services:

- (a) Anesthesia services;
- (b) Blood;
- (c) Chiropractic services;
- (d) Drugs and pharmaceutical supplies;
- (e) Eyeglasses and examination;
- (f) Hearing aids and examinations;
- (g) Hospice services;
- (h) Licensed midwife services;
- (i) Maternity support services;
- (j) Oxygen;
- (k) Personal care services;
- (l) Physical therapy services;
- (m) Private duty nursing services;
- (n) Surgical appliances;
- (o) Prosthetic devices and certain other aids to mobility;

and

- (p) Dental services.

(3) The department shall limit organ transplants to the cornea, heart, heart-lung, kidney, kidney-pancreas, liver, pancreas, single lung, and bone marrow.

(4) The department shall provide treatment, dialysis, equipment, and supplies for acute and chronic nonfunctioning kidneys when the client is in the home, hospital, or kidney center as described under WAC 388-86-050(12).

(5) The department shall provide detoxification and medical stabilization to chemically using pregnant women in a hospital.

(6) The department shall provide detoxification of acute alcohol or other drug intoxication only in a certified detoxification center or in a general hospital having a detoxification provider agreement with the department.

(7) The department shall provide outpatient chemical dependency treatment in programs qualified under chapter 275-25 WAC and certified under chapter 275-19 WAC or its successor.

(8) For services available under the:

(a) Limited casualty program-medically needy, see chapter ((388-99)) 388-529 WAC; and

(b) Limited casualty program-medically indigent, see chapter ((388-100)) 388-529 WAC.

(9) The department may require a second opinion and/or consultation before the approval of any elective surgical procedure.

(10) The department shall designate diagnoses that may require surgical intervention:

- (a) Performed in other than a hospital in-patient setting;
- and

(b) Requiring prior approval by the department for a hospital admission.

(11) The department shall assure the availability of necessary transportation to and from medical services covered under a client's medical program.

AMENDATORY SECTION (Amending Order 3711, filed 3/22/94, effective 4/22/94)

WAC 388-86-030 (~~(Eyeglasses and examinations)~~)

Vision care. (1) The medical assistance administration (MAA) shall reimburse a provider for medically necessary eye care services for a client:

(a) Twenty-one years of age or over, one each of the services listed under subsection (2) of this section, in a twenty-four-month period; or

(b) Twenty years of age or under, one each of the services listed under subsection (2) of this section, in a twelve-month period.

(2) The MAA's eye care services shall include:

(a) Eye examinations;

(b) Refractions;

(c) Fitting fees; and

(d) Eyeglass lenses and/or frames.

(3) The department shall not apply the time period limitation (~~((does not apply))~~) when the:

(a) Eye examination is medically necessary for diagnosing and/or treating a medical condition; or

(b) Client described under subsection (5) of this section requires replacement glasses due to loss or breakage.

(4) MAA shall limit the choice of frames and lenses to frames and lenses listed under contract in the current MAA numbered memoranda and/or MAA provider's billing instructions on that subject.

(5) MAA shall only reimburse for replacement of broken or lost eyeglasses for a:

(a) Client of the division of developmental disabilities;

(b) Child twenty years of age or under; or

(c) Client residing in an institution.

(6) MAA shall reimburse for replacement of lenses for a change in refractive error in sphere, cylinder, or spherical equivalent of a plus or minus of one diopter and which result in an improvement of visual acuity. The change in prescription shall not apply to providing separate pairs of eyeglasses for distance and reading or for two pairs of eyeglasses in place of multifocals.

(7) MAA shall not reimburse a provider for eyeglasses when the client's prescription is over two years old.

(8) MAA shall reimburse for:

(a) Specialized lenses only for conditions as listed in MAA provider's billing instructions; and

(b) Contact lenses:

(i) Only when medically justified; and

(ii) As allowed in a twelve-month period with the conditions specified in MAA provider's billing instructions.

(9) MAA shall consider cataract surgery medically necessary without prior authorization when the client has a documented cataract with:

(a) The best correctable visual acuity in the affected eye is 20/50 or worse as measured on a snellen test chart; or

(b) Other visual impairment conditions which include:

(i) Double vision;

(ii) Phacogenic glaucoma;

(iii) Phacogenic uveitis;

(iv) Phacoanaphylactic endophthalmitis;

(v) Intraocular foreign body;

(vi) Ocular trauma; or

(vii) Dislocated or subluxated lens causing glaucoma, monocular diplopia, aphakia, myopia, or astigmatism.

(10) MAA shall consider cataract surgery as a nonemergent procedure, except when the client is determined statutorily blind as defined under WAC 388-511-1105 (1)(b).

(11) The provider shall document and maintain in the client's record medical justification of the eye care services.

~~((10))~~ (12) Except for services as defined in WAC 388-86-027, the department shall not permit group screening for eyeglasses.

~~((11))~~ (13) The department shall reimburse for eye care services provided to clients eligible under the:

(a) Categorically needy, children's health, general assistance unemployable and ADATSA programs; or

(b) Medically needy program(~~(or~~

~~(c) Medically indigent program only as treatment for emergent services as specified in MAA provider's billing instructions)).~~

~~((12))~~ (14) The department shall not cover orthoptics and visual training therapy (~~((are not covered))~~). See WAC 388-86-200.

AMENDATORY SECTION (Amending Order 3714, filed 3/9/94, effective 4/9/94)

WAC 388-86-073 Occupational therapy. (1) The department shall pay for occupational therapy when the occupational therapy is provided:

(a) By a licensed occupational therapist;

(b) By a licensed occupational therapy assistant supervised by a licensed occupational therapist; or

(c) In schools, by an occupational therapy aide trained and supervised by a licensed occupational therapist.

(2) The department shall pay for occupational therapy:

(a) Effective September 1, 1993, as part of an outpatient treatment program for adults and children;

(b) By a home health agency as described under WAC 388-86-045;

(c) As part of the physical medicine and rehabilitation program as described under WAC 388-86-112;

(d) In a neuromuscular center; or

(e) By a school district or educational service district as part of an individual education program or individualized family service plan as described under WAC 388-86-022.

(3) The department shall not pay for occupational therapy when payment for occupational therapy is included as part of the reimbursement for other treatment programs including, but not limited to, hospital inpatient diagnosis related group services or nursing facility services.

(4) The department shall pay for the following occupational therapy services in a calendar year when the attending health professional determines the services are medically appropriate:

(a) One occupational therapy assessment;

(b) Two durable medical equipment needs assessments;

(c) Twelve occupational therapy sessions;

(d) Twenty-four additional outpatient occupational therapy sessions if the diagnosis is associated with:

- (i) A medically necessary condition for developmentally delayed clients;
- (ii) Surgeries involving extremities:
 - (A) Fractures; or
 - (B) Open wounds with tendon involvement.
- (iii) Intracranial injuries;
- (iv) Burns;
- (v) Traumatic injuries;
- (vi) Cerebral palsy;
- (vii) Downs Syndrome;
- (viii) Meningomyelocele;
- (ix) Severe oral/motor problems:
 - (A) Dyspraxia;
 - (B) Cleft palate and/or cleft lip; or
 - (C) That interfere with adequate nutrition.
- (x) Symptoms involving nervous and musculoskeletal systems:
 - (A) Abnormality of gait; or
 - (B) Lack of coordination; or
- (xi) Post-completed/approved inpatient physical medicine and rehabilitation program when the client no longer needs nursing services, but continues to require specialized outpatient therapy.

(e) Additional one hundred twenty-four outpatient occupational therapy sessions if the condition is post-surgery diplegic/congenital diplegia; and

(f) Additional sessions when requested and approved through department of health's children with special health care needs program;

(g) Subject to department approval, additional occupational therapy services regardless of diagnosis when such services are medically necessary.

(5) For the purposes of this section, a "session" means not less than fifteen minutes and up to one hour of therapy in one day.

(6) The department shall pay for occupational therapy provided to a client eligible under the:

- (a) Categorically needy, children's health, general assistance unemployable and ADATSA programs;
- (b) Medically needy program only when the client is:
 - (i) Twenty years of age or younger and referred by a screening provider under the early and periodic screening, diagnosis and treatment program/healthy kids program as described under WAC 388-86-027; or
 - (ii) Receiving home health care services as described under WAC 388-86-045.

~~((e) Medically indigent program as part of the treatment program under home health care services as described under WAC 388-86-045))~~

(7) The department shall pay for occupational therapy provided to a client receiving services from a school district or educational service district as part of an individual education program or individualized family service plan as described under WAC 388-86-022.

AMENDATORY SECTION (Amending Order 2649, filed 7/8/88)

WAC 388-86-075 Outpatient and emergency care. ~~((1))~~ The department shall require no authorization for categorically needy or limited casualty program-medically needy ~~((recipients))~~ clients to receive outpatient service, emergent outpatient surgical care, and other emergency care performed on an outpatient basis in a hospital. The provider shall present justification for the service with the request for payment.

~~((2) A recipient of the limited casualty program-medically indigent shall have medical consultant approval for emergency room services.))~~

AMENDATORY SECTION (Amending Order 3714, filed 3/9/94, effective 4/9/94)

WAC 388-86-090 Physical therapy. (1) The department shall pay for physical therapy as an outpatient service when:

- (a) The attending physician prescribes physical therapy;
- (b) A licensed physical therapist or physiatrist, a physical therapist assistant supervised by a licensed physical therapist, or, in schools, a physical therapy aide trained and supervised by a licensed physical therapist provides the treatment; and
- (c) The therapy assists the client:
 - (i) In avoiding hospitalization or nursing facility care; or
 - (ii) In becoming employable; or
 - (iii) Who suffers from severe motor disabilities to obtain a greater degree of self-care or independence; or
 - (iv) As part of a treatment program intended to restore normal function of a body part following injury, surgery, or prolonged immobilization.

(2) The department shall pay for the following physical therapy services in a calendar year when the attending health professional determines the services are medically appropriate:

- (a) One medical diagnostic evaluation;
- (b) Twelve physical therapy sessions; and
- (c) Twenty-four additional outpatient sessions, when the services are for:
 - (i) Post-completed/approved inpatient physical medicine and rehabilitation program when the client no longer needs nursing services but continues to require specialized outpatient therapy; or
 - (ii) Medically necessary conditions for developmentally delayed clients;
 - (iii) Surgeries involving extremities:
 - (A) Fractures;
 - (B) Open wounds with tendon involvement.
 - (iv) Intracranial injuries;
 - (v) Burns;
 - (vi) Cerebral palsy;
 - (vii) Downs Syndrome;
 - (viii) Meningomyelocele;
 - (ix) Traumatic injuries; or
 - (x) Symptoms involving nervous and musculoskeletal systems with abnormality of gait and lack of coordination.

(d) Additional sessions when requested and approved through department of health's children with special health care needs program;

(e) Additional one hundred twenty-four outpatient physical therapy sessions if the condition is post-surgery diplegic/congenital diplegia; and

(f) Subject to department approval, additional physical therapy services regardless of diagnosis when such services are medically necessary.

(3) For the purposes of this section, "session" means not less than fifteen minutes and up to one hour of therapy in one day.

(4) The department shall not pay for physical therapy when payment for physical therapy is included as part of the reimbursement for other treatment programs including, but not limited to, hospital inpatient diagnosis related group services and nursing facility services.

(5) The department shall pay for outpatient physical therapy for a client eligible under the:

(a) Categorically needy, children's health, general assistance unemployable and ADATSA programs;

(b) Medically needy program only when the client is:

(i) Twenty years of age or under and referred by a screening provider under the early and periodic screening, diagnosis, and treatment program/healthy kids program as described under WAC 388-86-027; or

(ii) Receiving home health care services as described under WAC 388-86-045.

~~((e) Medically indigent program when receiving home health care services as described under WAC 388-86-045.))~~

(6) The department shall pay for outpatient physical therapy for a client receiving services provided by a school district or educational service district as part of an individual education program or individualized family service plan as described under WAC 388-86-022.

AMENDATORY SECTION (Amending Order 3714, filed 3/9/94, effective 4/9/94)

WAC 388-86-098 Speech therapy services. (1) The department shall pay for speech therapy for conditions which are the result of medically recognized diseases and defects.

(2) The department shall pay for speech therapy when the services are provided:

(a) By a speech pathologist or audiologist who has been granted a certificate of clinical competence by the American Speech, Hearing and Language Association;

(b) By a person who completed the equivalent educational and work experience necessary for such a certificate; or

(c) In schools as described under WAC 388-86-022, by a person:

(i) Who has completed the academic program and is acquiring supervised work experience to qualify for a certificate of clinical competence from the American speech, hearing and language association; or

(ii) Trained and supervised by a speech pathologist or audiologist who has been granted a certificate of clinical competence by the American speech, hearing and language association or a person who has completed the equivalent educational and work experience necessary for such a certificate.

(3) The department shall pay for the following speech therapy services in a calendar year when the health professional determines the services are medically appropriate:

(a) One medical diagnostic evaluation;

(b) Twelve speech therapy sessions;

(c) Twenty-four additional speech therapy sessions if the speech therapy service is for:

(i) Medically necessary conditions for developmentally delayed clients;

(ii) Cerebral Palsy;

(iii) Severe oral/motor problems:

(A) Dyspraxia;

(B) Cleft palate and/or cleft lip; or

(C) That interfere with adequate nutrition.

(iv) Meningomyelocele;

(v) Neurofibromatosis;

(vi) Downs Syndrome;

(vii) Traumatic head/brain injury (TBI);

(viii) Cerebral vascular accident (recent only) of dominant hemisphere; or

(ix) Post-completed/approved inpatient physical medicine and rehabilitation program when the client no longer needs nursing, but continues to require specialized outpatient therapy.

(d) Subject to department approval, additional speech therapy services regardless of diagnosis when such services are medically necessary.

(4) The department shall not pay for speech therapy when the speech therapy payment is part of the reimbursement for another treatment program including, but not limited to:

(a) Hospital inpatient diagnosis related group services; and

(b) Nursing facility services.

(5) The department shall pay for speech therapy provided to a client eligible under the:

(a) Categorically needy, children's health, general assistance unemployable and ADATSA programs;

(b) Medically needy program only when the client is:

(i) Twenty years of age and under and referred by a screening provider under the early and periodic screening, diagnosis and treatment program/healthy kids program; or

(ii) Receiving home health care services as described under WAC 388-86-045.

~~((e) Medically indigent program when receiving home health care services as described under WAC 388-86-045.))~~

(6) The department shall pay for speech therapy provided to a client receiving medical services from a school district or educational service district as part of an individual education program or individualized family service plan as described under WAC 388-86-022.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-500-0005 Medical definitions. Unless defined in this chapter or specifically defined in other chapters of the *Washington Administrative Code*, the department shall use definitions found in the *Webster's New World Dictionary*. This section contains definitions of words and phrases the department uses in rules for medical programs. Definitions of words used for both medical and financial programs are defined under WAC 388-22-030.

"**Application**" for eligibility for medical programs means a written request to the department of social and

health services (DSHS) on a department form, from the applicant, an authorized representative, or if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant.

"Assignment Medicare" means the method by which the provider receives payment for services under Part B of Medicare.

"Assignment of rights" means the client gives the state the right to payment and support for medical care from a third party.

"Assistance unit" means a person or members of a family unit who are eligible for medical care.

"Authorization" means official approval for department action.

"Base period" means the time period used in the limited casualty program which corresponds with the months considered for eligibility.

"Beneficiary" means an eligible person who receives:

- * A federal cash Title XVI benefit; and/or
- * State supplement under Title XVI; or
- * Benefits under Title XVIII of the Social Security Act.

"Benefit period" means the time period used in determining whether Medicare can pay for covered Part A services. A benefit period begins the first day a beneficiary is furnished inpatient hospital or extended care services by a qualified provider. The benefit period ends when the beneficiary has not been an inpatient of a hospital or other facility primarily providing skilled nursing or rehabilitation services for sixty consecutive days. There is no limit to the number of benefit periods a beneficiary may receive. Benefit period also means a "spell of illness" for Medicare payments.

"Cabulance" means a for-hire vehicle designed and used to transport a person confined to a wheelchair or persons otherwise physically restricted.

"Carrier" means an organization contracting with the federal government to process claims under Part B of Medicare.

"Categorical assistance unit (CAU)" means one or more family members whose eligibility for medical care is determined separately or together based on categorical relatedness.

"Categorically needy" means the status of a person who is eligible for medical care under Title XIX of the Social Security Act and is:

- * A client receiving or eligible to receive cash assistance under:
 - * Aid to families with dependent children (AFDC);
 - * Supplemental security income (SSI), including a grandfathered person and a person with an essential spouse;
 - * State supplement;
 - * Continuing state-funded cash assistance who is blind or disabled under SSI criteria, as described under WAC 388-511-1105; or
 - * Special categories.
- * A financially eligible person under twenty-one years of age who would be eligible for AFDC but does not qualify as a dependent child and who is in:
 - * Foster care;
 - * Subsidized adoption;
 - * A nursing facility or intermediate care facility for mentally retarded; or

- * An approved inpatient psychiatric facility.
 - * A person who would be eligible for cash assistance except for the person's institutional status.
 - * A person who is SSI categorically related and would not be eligible for cash assistance if the person was not institutionalized and whose gross income does not exceed the three hundred percent SSI benefit cap.
 - * A qualified severely impaired disabled person under sixty-five years of age who works.
 - * A person during a temporary period who lost AFDC because of increased earnings, increased hours, loss of earned income disregards, or by receiving child or spousal support payments.
 - * A pregnant woman:
 - * Who meets AFDC financial eligibility standards;
 - * Who would qualify for AFDC if the baby was already born;
 - * Whose family income does not exceed one hundred eighty-five percent of the federal poverty level; or
 - * Who was eligible for and receiving Medicaid while pregnant continues to be eligible through a sixty-day postpartum period that extends through the month that contains the sixtieth day after birth.
 - * An infant until the infant's first birthday when the infant lives with the mother and the mother was Medicaid eligible at the time the infant was born;
 - * An infant under one year of age whose family income does not exceed one hundred eighty-five percent of the federal poverty level;
 - * A child under six years of age or until the child is no longer an inpatient if the inpatient stay began before six years of age and whose family income does not exceed one hundred thirty-three percent of the federal poverty level.
 - * A child born after September 30, 1983, who has attained six years of age or until the child is no longer an inpatient if the inpatient stay began before eighteen years of age, but not attained eighteen years of age whose family income does not exceed one hundred percent of the federal poverty level.
 - * A child up to eighteen years of age or until the child is no longer an inpatient if the inpatient stay began before eighteen years of age, born before September 30, 1983, with income allowed by AFDC.
 - * A certain widow, widower, and other qualified person who fails to meet SSI standards because of Social Security coverage or increase in Social Security coverage.
 - * A Medicare-eligible person whose income does not exceed one hundred percent of the federal poverty level and whose resources do not exceed twice the SSI resource eligibility level.
 - * A disabled working person entitled to enroll in Medicare Part A, whose income does not exceed two hundred percent of the federal poverty level and whose resources do not exceed twice the SSI resource eligibility level.
 - * An alien as defined under WAC 388-510-1020; or
 - * A person whose categorical eligibility is protected by statute.
- "Children's health program"** means a state-funded medical program for children under eighteen years of age:
- * Whose family income does not exceed one hundred percent of the federal poverty level; and

* Who are not otherwise eligible under Title XIX of the Social Security Act.

"**Client**" means an applicant for or recipient of DSHS medical care programs.

"**Coinsurance-Medicare**" means the portion of reimbursable hospital and medical expenses, after subtraction of any deductible, which Medicare does not pay. Under Part A, coinsurance is a per day dollar amount. Under Part B, coinsurance is twenty percent of reasonable charges.

"**Community services office (CSO)**" means an office of the department which administers social and health services at the community level.

"**Copayment**" means a fixed dollar amount that is the responsibility of the client.

"**Couple**" means, for the purposes of an SSI-related client, an SSI-related client living with a person of the opposite sex and both presenting themselves to the community as husband and wife. The department shall consider the income and resources of such couple as if the couple were married.

"**Deductible-Medicare**" means an initial specified amount that is the responsibility of the client.

* "**Part A of Medicare-inpatient hospital deductible**" means an initial amount of the medical care cost in each benefit period which Medicare does not pay.

* "**Part B of Medicare-physician deductible**" means an initial amount of Medicare Part B covered expenses in each calendar year which Medicare does not pay.

"**Delayed certification**" means a department approval of a person's eligibility for medicaid made after the established application processing time limits.

"**Department**" means the state department of social and health services.

"**Early and periodic screening, diagnosis and treatment (EPSDT)**" also known as the "healthy kids" program, means a program providing early and periodic screening, diagnosis and treatment to persons under twenty-one years of age who are eligible for Medicaid or the children's health program.

"**Electronic fund transfers**" means automatic bank deposits to a client's account.

"**Emergency medical condition**" means a medical condition (including labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

- * Placing the patient's health in serious jeopardy;
- * ((~~Serious~~)) Impairment to bodily functions; or
- * ((~~Serious~~)) Dysfunction of any bodily organ or part.

"**Emergency medical expense requirement**" means a specified amount of expenses for ambulance, emergency room or inpatient hospital services, including physician services, incurred for an emergency medical condition((~~s~~)) that a client must incur prior to certification for the medically indigent program.

"**Essential spouse**" see "spouse."

"**Extended care patient**" means a recently hospitalized Medicare patient needing relatively short-term skilled nursing and rehabilitative care in a skilled nursing facility.

"**Garnishment**" means withholding an amount from earned or unearned income to satisfy a debt or legal obligation.

"**Grandfathered client**" means:

* A noninstitutionalized person who meets all current requirements for Medicaid eligibility except the criteria for blindness or disability; and

* Was eligible for Medicaid in December 1973 as blind or disabled whether or not the person was receiving cash assistance in December 1973; and

* Continues to meet the criteria for blindness or disability and other conditions of eligibility used under the Medicaid plan in December 1973; and

* An institutionalized person who was eligible for Medicaid in December 1973 or any part of that month, as an inpatient of a medical institution or resident of an intermediate care facility that was participating in the ((~~Medicare~~)) Medicaid program and for each consecutive month after December 1973 who:

* Continues to meet the requirements for Medicaid eligibility that were in effect under the state's plan in December 1973 for institutionalized persons; and

* Remains institutionalized.

"**Health insuring organization (HIO)**" means an entity that arranges and pays for medical services provided to an eligible enrolled client in exchange for a premium or subscription charge paid by the department on a prepaid capitation risk basis.

"**Health maintenance organization (HMO)**" means an entity that provides comprehensive medical services directly to an eligible enrolled client in exchange for a premium paid by the department on a prepaid capitation risk basis.

"**Healthy kids,**" see "EPSDT."

"**Home health agency**" means an agency or organization certified under Medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence.

"**Hospital**" means an institution licensed as a hospital by the official state licensing authority.

"**Income**" means, for an SSI-related client, the receipt by an individual of any property or service which the client can apply either directly, by sale, or conversion to meet the client's basic needs for food, clothing, and shelter.

* "**Earned income**" means gross wages for services rendered and/or net earnings from self-employment. Earned income received at predictable intervals other than monthly or in unequal amounts will be converted to a monthly basis. If income is weekly, the amount is multiplied by 4.3 to arrive at a monthly figure.

* "**Unearned income**" means all other income.

"**Institution**" means an establishment which furnishes food, shelter, medically-related services, and medical care to four or more persons unrelated to the proprietor. This includes medical facilities, nursing facilities, and institutions for the mentally retarded, but does not include correctional institutions.

* "**Institution-public**" means an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control.

* "**Institution for mental diseases**" means an institution primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases including medical attention, nursing care, and related services.

* "**Institution for the mentally retarded or a person with related conditions**" means an institution that:

* Is primarily for the diagnosis, treatment or rehabilitation of the mentally retarded or a person with related conditions; and

* Provides, in a protected residential setting, on-going care, twenty-four hour supervision, evaluation, and planning to help each person function at the greatest ability.

* **"Institution for tuberculosis"** means an institution for the diagnosis, treatment, and care of a person with tuberculosis.

* **"Medical institution"** means an institution:

* Organized to provide medical care, including nursing and convalescent care;

* With the necessary professional personnel, equipment and facilities to manage the health needs of the patient on a continuing basis in accordance with acceptable standards;

* Authorized under state law to provide medical care; and

* Staffed by professional personnel. Services include adequate physician and nursing care.

"Intermediary" means an organization having an agreement with the federal government to process Medicare claims under Part A.

"Legal dependent" means a person whom another person is required by law to support.

"Limited casualty program (LCP)" means a medical care program for medically needy as defined under WAC 388-503-0320 and for medically indigent as defined under WAC 388-503-0370.

"Medicaid" means the federal aid Title XIX program under which medical care is provided to:

* Categorically needy as defined in WAC 388-503-0310 and 388-503-1105; or

* Medically needy as defined in WAC 388-503-0320.

"Medical assistance" means the federal aid Title XIX program under which medical care is provided to the categorically needy as defined in WAC 388-503-0310 and 388-503-1105.

"Medical assistance administration (MAA)" means the unit within the department of social and health services authorized to administer the Title XIX Medicaid and the state-funded medical care programs.

"Medical assistance unit (MAU)" means one or more family members whose eligibility for medical care is determined separately or together based on financial responsibility.

"Medical care services" means the limited scope of care financed by state funds and provided to general assistance (GAU) and ADATSA clients.

"Medical consultant" means a physician employed by the department.

"Medical facility" see **"Institution."**

"Medically indigent (MI)" means a state-funded medical program, part of the limited casualty program, for a person with limited income and resources who has an emergency medical condition requiring emergency room or inpatient hospital-based services.

"Medically necessary" is a term for describing requested service which is reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent worsening of conditions in the client that endanger life, or cause suffering or pain, or result in an illness or infirmity, or threaten to cause or aggravate a handicap, or cause physical deformity

or malfunction, and there is no other equally effective, more conservative or substantially less costly course of treatment available or suitable for the client requesting the service. For the purpose of this section, "course of treatment" may include mere observation or, where appropriate, no treatment at all.

"Medically needy (MN)" is the status of a person who is eligible for a federally matched medical program under Title XIX of the Social Security Act, who, but for income and/or resources above the categorically needy level, would be eligible as categorically needy. Effective January 1, 1996, an AFDC-related adult is not eligible for MN.

"Medicare" means the federal government health insurance program for certain aged or disabled clients under Titles II and XVIII of the Social Security Act. Medicare has two parts:

* **"Part A"** covers the Medicare inpatient hospital, post-hospital skilled nursing facility care, home health services, and hospice care.

* **"Part B"** is the supplementary medical insurance benefit (SMIB) covering the Medicare doctor's services, outpatient hospital care, outpatient physical therapy and speech pathology services, home health care, and other health services and supplies not covered under Part A of Medicare.

"Month of application" means the calendar month a person files the application for medical care unless the application is for the medically needy program, then, at the person's request and if the application is filed in the last ten days of that month, the month of application may be the following month.

"Nursing facility" means any institution or facility the department of health licenses as a nursing facility, or a nursing facility unit of a licensed hospital, that the:

* Department certifies; and

* Facility and the department agree the facility may provide skilled nursing facility care.

"Outpatient" means a nonhospitalized patient receiving care in a hospital outpatient or hospital emergency department, or away from a hospital such as in a physician's office, the patient's own home, or a nursing facility.

"Patient transportation" means client transportation to and from covered medical services under the federal Medicaid and state medical care programs.

"Physician" means a doctor of medicine, osteopathy, or podiatry who is legally authorized to perform the functions of the profession by the state in which the services are performed.

"Professional activity study (PAS)" means a compilation of inpatient hospital data by diagnosis and age, conducted by the commission of professional and hospital activities, to determine the average length of hospital stay for patients. These data were published in a book entitled, *Length of Stay in PAS Hospitals, Western*. The department has adopted this book as the basis for authorizing payment for the maximum number of inpatient hospital days for clients of state-funded programs, or where no memorandum of understanding with a professional review organization (PRO) exists.

"Professional review organization for Washington (PRO-W)" means the state level organization responsible for determining whether health care activities:

* Are medically necessary;

* Meet professionally acceptable standards of health care; and

* Are appropriately provided in an outpatient or institutional setting for beneficiaries of Medicare and clients of Medicaid and maternal and child health.

"Prosthetic devices" mean replacement, corrective, or supportive devices prescribed by a physician or other licensed practitioner of the healing arts within the scope of his or her practice as defined by state law to:

- * Artificially replace a missing portion of the body;
- * Prevent or correct physical deformity or malfunction;

or

- * Support a weak or deformed portion of the body.

"Provider" or **"provider of service"** means an institution, agency, or person:

* Having a signed agreement with the department to furnish medical care and goods and/or services to clients; and

- * Eligible to receive payment from the department.

"Resources" mean, for an SSI-related client, cash or other liquid assets or any real or personal property that an individual or spouse, if any, owns and could convert to cash to be used for support or maintenance.

* If an individual can reduce a liquid asset to cash, it is a resource.

* If an individual cannot reduce an asset to cash, it is not considered an available resource.

* Liquid - Properties that are in cash or are financial instruments which are convertible to cash such as, but not limited to, cash in hand, stocks, savings, checking accounts, mutual fund shares, mortgage, promissory notes.

* Nonliquid - All other property both real and personal shall be evaluated according to the price the item can reasonably be expected to sell for on the open market in the particular geographical area involved.

"Retroactivity" means the period of no more than three calendar months before the application month of an otherwise eligible person under the Federal aid Title XIX program.

"Spell of illness" see **"benefit period."**

"Spendedown" means the process by which a person uses incurred medical expenses to offset income and/or resources to meet the financial standards established by the department.

"Spouse" means:

* **"Community spouse"** means a person living in the community and married to an institutionalized person or to a person receiving services from a home and community-based waived program.

* **"Eligible spouse"** means an aged, blind or disabled husband or wife of an SSI-eligible person with whom such spouse lives.

* **"Essential spouse"** means, for the purposes of SSI, a spouse whose needs were taken into account in determining the need of an old age assistance (OAA), aid to the blind (AB), or disability assistance (DA) client for December 1973, who continues to live in the home and to be the spouse of such client.

* **"Ineligible spouse"** means the husband or wife of an SSI-eligible person, who lives with the SSI-eligible person and who has not applied or is not eligible to receive SSI.

* **"Institutionalized spouse"** means a married person in an institution or receiving services from a home or community-based waived program.

* **"Nonapplying spouse"** means the husband or wife, who has not applied for assistance, of an SSI-eligible person.

"SSI-related" means an aged, blind or disabled person.

"State office or SO" means the medical assistance administration of the department of social and health services.

"Supplemental security income (SSI) program, Title XVI" means the federal grant program for aged, blind, and disabled established by section 301 of the Social Security amendments of 1972, and subsequent amendments, and administered by the Social Security Administration (SSA).

"Supplementary payment (SSP)" means the state money payment to persons receiving benefits under Title XVI, or who would, but for the person's income, be eligible for such benefits, as assistance based on need in supplementation of SSI benefits. This payment includes:

* **"Mandatory state supplement"** means the state money payment to a person who, for December 1973, was a client receiving cash assistance under the department's former programs of old age assistance, aid to the blind and disability assistance; and

* **"Optional state supplement"** means the elective state money payment to a person eligible for SSI benefits or who, except for the level of the person's income, would be eligible for SSI benefits.

"Third party" means any entity that is or may be liable to pay all or part of the medical cost of care of a federal Medicaid or state medical care client.

"Title XIX" is the portion of the federal Social Security Act that authorizes grants to states for medical assistance programs. Title XIX is also called Medicaid.

"Transfer" means any act or omission to act when title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person; including delivery of personal property, bills of sale, deeds, mortgages, pledges, or any other instrument conveying or relinquishing an interest in property. Transfer of title to a resource occurs by:

* An intentional act or transfer; or

* Failure to act to preserve title to the resource.

"Value-fair market" means, for SSI-related medical eligibility, the current value of a resource at the going price for which the resource can reasonably be expected to sell on the open market in the particular geographic area involved.

"Value of compensation received" means, for SSI-related medical eligibility, the gross amount paid or agreed to be paid by the purchaser.

"Value-uncompensated" means, for SSI-related medical eligibility, the fair market value of a resource minus the amount of compensation received in exchange for the resource.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-503-0370 Medically indigent eligible persons. ((For applications filed on or after July 1, 1991,))

The department shall determine a person eligible for the medically indigent program when the person:

(1) Has an emergency medical condition requiring inpatient hospital or emergency room services.

(a) "Emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in serious:

- (i) Jeopardy to the patient's health;
- (ii) Impairment to bodily functions; or
- (iii) Dysfunction of any bodily organ or part.

(b) For the purposes of this section, the department shall consider pregnancy and treatment under the Involuntary Treatment Act (ITA) as emergency medical conditions.

(2) Meets the financial eligibility, emergency medical expense and spenddown requirements under chapter 388-518 WAC; and

(3) Is not an inmate of a federal or state prison.

AMENDATORY SECTION (Amending Order 3828, filed 1/25/95, effective 2/25/95)

WAC 388-518-1805 LCP-MI eligibility. (1) The department shall not require as a condition of eligibility:

- (a) A person's citizenship;
- (b) Social Security number; and
- (c) Residency.

(2) A person shall not be eligible for LCP-MI when the person:

- (a) Is eligible for medical care from another state; or
- (b) Enters Washington state specifically for the purpose of obtaining medical care.

(3) A person receiving LCP-MI shall meet the following eligibility criteria:

- (a) The person is not:
 - (i) Receiving continuing cash assistance; or
 - (ii) Eligible for any other medical program.
- (b) The person must have an emergency medical condition as defined in WAC 388-500-0005; and

(c) For a pregnant woman, the department shall increase the number in the household by the number of unborn before comparing the pregnant woman's income to the:

- (i) Income requirements of WAC 388-518-1850(1); and
- (ii) Resource requirements of WAC 388-518-1850(2).

(4) For a client applying for LCP-MI on or after July 1, 1995, the department shall:

(a) Limit the client to three months of LCP-MI eligibility during the period of July 1, 1995 through June 30, 1996; and

(b) Not consider the months of a certification period beginning prior to July 1, 1995 as counting toward the program limitations described under subsection (4)(a) of this section.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-518-1810 LCP-MI emergency medical expense requirement (EMER). (1) The client shall satisfy the EMER as described in this section.

(2) The department shall require documentation of emergency medical expenses of ~~((one))~~ two thousand ~~((five hundred))~~ dollars per family over a twelve-month period.

(3) Only family members meeting the eligibility requirements in WAC 388-518-1805, 388-518-1820, 388-518-1830 and 388-518-1850 can accumulate expenses against the EMER.

(4) For a client applying for services received on or before June 30, 1995, the department shall allow the accumulation of emergency medical expenses to begin up to seven working days before the application date. The department may waive the seven-day rule if a person fails to apply for medical reasons or other good cause.

(5) The department shall ~~((ensure))~~ consider only the following emergency medical services~~((including the usual and customary amounts charged for inpatient and outpatient hospital services, count))~~ toward the EMER:

(a) Emergency ground or aid ambulance;

(b) Emergency inpatient hospitalization and related physician services; and

(c) Hospital emergency room services and related physician services.

(6) Other than expenses qualifying as hospital charity care under RCW 70.170.060, the emergency medical expense requirement and spenddown are the liability of the client.

(7) If the client does not satisfy the EMER during the three-month base period ~~((beginning with the month of application))~~, the department shall apply the incurred amount to any subsequent applications within twelve months of the initial application.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-518-1840 LCP-MI spenddown. (1) The department shall ensure all countable income above the MNIL described under WAC 388-507-0710 and nonexempted resources above the ~~((MNIL and))~~ resource levels described ~~((in WAC 388-507-0710 and))~~ under 388-507-0720 ~~((shall))~~ apply toward spenddown.

(2) On initial or subsequent applications, the department shall deduct previously incurred medical expenses from excess countable income as described in WAC 388-519-1930. These expenses cannot have been used toward a previous spenddown, deductible, or emergency medical expense requirement.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-519-1905 Base period. (1) Medically needy clients in their own homes shall have a choice of a three-month or a six-month base period which shall begin with the month of application. The department shall use a complete base period unless:

(a) A previous certification period overlaps; ~~((or))~~

(b) The client is not resource eligible for the medically needy program for the full base period; ~~((or))~~

(c) The client is not categorically related for the full base period; ~~((or))~~

(d) The client becomes eligible for categorically needy Medicaid~~((or~~

~~(2) The department shall not certify a client for more than six months;~~

~~(3)); or~~

~~(e) The base period would extend beyond:~~

~~(i) December 31, 1995, for an AFDC-related caretaker adult medically needy client; or~~

~~(ii) June 30, 1996, for a medically indigent client.~~

~~(2) Effective July 1, 1995, the department shall consider the base period for a LCP-MI client:~~

~~(a) To be the three months beginning with the first month of emergency ambulance or emergency inpatient hospital or emergency room services; and~~

~~(b) May begin up to three calendar months:~~

~~(i) Before the date of application; or~~

~~(ii) July 1, 1995, whichever is later.~~

~~(3) Subject to the limitation described under subsection (1)(e) of this section, the department shall not certify a client for more than:~~

~~(a) Six months for a medically needy client; or~~

~~(b) Three months for a medically indigent client. See WAC 388-518-1805 for LCP-MI program limitations.~~

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

~~((4)) (5) The department shall certify a client who is required to spenddown from the first day of the base period when the client has incurred hospital expenses equal to the spenddown liability.~~

~~((5)) (6) When the client requests retroactive medical coverage at the time of application, the retroactive period shall begin three months before the application month unless exceptions in subsection (1)(a), (b), (c), or (d) of this section exist. The department shall certify a client with spenddown in retroactive period effective:~~

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

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

~~((6)) (7) The department shall require an application for any subsequent period of eligibility for the medically needy program.~~

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-521-2140 Effective date for the medically indigent program. (1) The department shall ensure the effective date of eligibility is the date the client meets spenddown, if any, and the emergency medical expense requirement.

(2) The department shall pay for emergency medical care ~~((the client received in the seven working days before the application date))~~ as described under WAC 388-529-2950 when:

(a) The condition was an emergency medical condition requiring inpatient hospital or emergency room services; and

(b) The person was otherwise eligible.

(3) The department shall determine the certification ~~((date))~~ period does not exceed three calendar months ~~((beginning with the month of application.~~

~~(4) A verified pregnant client may apply and be certified for separate three month periods through the duration of the pregnancy. The three month limitation in subsection (3) of this section may extend up to six weeks after delivery to cover the postpartum care, which includes routine care for the newborn. Beyond this period of time, the department shall determine eligibility for the mother or newborn separately.~~

~~(5) The department may waive the seven day rule in subsection (2) of this section if a person fails to apply for medical reasons or other good cause).~~

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-529-2950 Scope of care—Medically indigent. (1) The department shall provide coverage under the limited casualty program-medically indigent to an eligible person for treatment of emergency medical conditions requiring hospital-based care only. Services available are limited to:

~~(a) ((Rural health clinic services))~~ Medically necessary emergency air or ground ambulance; and

~~(b) ((Physical medicine and rehabilitation services;~~

~~(c) Physician and clinic services;~~

~~(d) Prescribed drugs;~~

~~(e) Dentures;~~

~~(f) Prosthetic devices;~~

~~(g) Eyeglasses;~~

~~(h) Nursing facilities, and intermediate care facilities for the mentally retarded;~~

~~(i) Home health services;~~

~~(j) Laboratory and x ray services;~~

~~(k) Podiatric services; and~~

~~(l) Medically necessary transportation))~~ Physician services related to hospital emergency room services and emergency inpatient hospitalization.

(2) The department shall not pay for covered services until the client has medical expenses equal to the total of the emergency medical expense requirement of ~~((one))~~ two thousand ~~((five hundred))~~ dollars and the spenddown, if any.

(3) The emergency medical expense requirement in WAC 388-518-1850 does not apply for treatment under the Involuntary Treatment Act (ITA). When any other medical need is identified for clients undergoing treatment under the ITA, the department shall apply the emergency medical expense requirement to the services other than ITA.

~~(4) ((When a client indicates that an urgent undefined medical illness exists, the department shall:~~

~~(a) Regard the condition as an emergency medical condition;~~

~~(b) Allow one office visit for diagnosis, provided all financial eligibility criteria are met; and~~

~~(c) Allow treatment only when the condition meets the criteria for an emergency medical condition.~~

~~(5))~~ For other conditions and limitations under which the department may provide these services, refer to appropriate service in chapter 388-86 WAC.

((6)) (5) The department shall not provide a client out-of-state care except in the designated bordering cities.

WSR 95-19-016
PROPOSED RULES
INSURANCE COMMISSIONER'S OFFICE

[Filed September 7, 1995, 2:17 p.m.]

Continuance of WSR 95-18-030.

Preproposal statement of inquiry was filed as WSR 95-13-101.

Title of Rule: Long-term care insurance.

Other Identifying Information: Insurance Commissioner

Matter No. R 95-5.

Summary: Continuation of adoption date.

Date of Intended Adoption: September 11, 1995.

September 7, 1995

G. W. Taylor

Deputy Commissioner

WSR 95-19-019
PROPOSED RULES
CENTRAL WASHINGTON UNIVERSITY

[Filed September 8, 1995, 12:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-16-090.

Title of Rule: Publicity and literature—Commercial advertising prohibited.

Purpose: To provide exceptions to the current rule prohibiting commercial advertising by nonuniversity groups or individuals in facilities and on university property.

Statutory Authority for Adoption: RCW 28B.35.120(12) and 28B.10.528.

Summary: To provide exceptions to the current rule prohibiting commercial advertising by nonuniversity groups or individuals in facilities and on university property.

Reasons Supporting Proposal: Proposed revision would allow the university, with permission, to take advantage of corporate advertising opportunities that have the potential for bringing additional income and equipment to the university. The required permission would provide a review process.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sarah Shumate, Vice-President for Student Affairs, Central Washington University, (509) 963-1515.

Name of Proponent: Sarah Shumate, Vice-President for Student Affairs, Central Washington University, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Explanation of rule and its purpose was defined in Purpose above. Proposed change will allow the university, with permission, to take advantage of corporate advertising opportunities that have the potential for bringing additional income and equipment to the university. The required permission would provide a review process.

Proposal Changes the Following Existing Rules: Adds exception to the current rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Addition of exception clause to an existing policy so that the rule is consistent with current practice.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. Under subsection (5)(b)(iv), addition of exception clause will change the effect of the rule.

Hearing Location: Barge Hall 201, Central Washington University, on October 24, 1995, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Pam Wilson by October 20, 1995, TDD (110) 963-2143.

Submit Written Comments to: Jill M. Orcutt, Rules Coordinator, FAX (509) 963-2111, by October 20, 1995.

Date of Intended Adoption: October 24, 1995.

September 5, 1995

Ivory V. Nelson

President

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

WAC 106-140-036 Publicity and literature—Commercial advertising prohibited. University facilities and property shall not be used for commercial advertising by nonuniversity groups or individuals except by written permission of the president, or designee.

WSR 95-19-021
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed September 8, 1995, 1:21 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-13-061.

Title of Rule: Repealing chapter 388-51 WAC, Job opportunities and basic skills training program child care and other work-related supportive services and transitional child care; and new chapter 388-290 WAC, Child care.

Purpose: Change in child care eligibility for two-parent households. (1) Change in child care WAC numbers is consistent with renumbering of WAC sections for which Economic Services Administration is responsible; and (2) WAC 388-290-110(4) is revised to make it more consistent with federal requirements.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: See Purpose above.

Reasons Supporting Proposal: Child care WAC numbers will be consistent with other WAC sections for which Economic Services Administration is responsible. WAC 388-290-110(4) will clarify which individuals in the assistance unit are responsible for providing care of children.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dan Gadman, 1009 College Street S.E., Lacey, 98504, (360) 438-8442.

Name of Proponent: Division of Employment and Social Services, Economic Services Administration, governmental.

Rule is necessary because of federal law, 45 CFR 255.4(f).

Explanation of Rule, its Purpose, and Anticipated Effects: (1) changing child care WAC numbers will make them consistent with renumbering of WAC sections for which Economic Service Administration is responsible; and (2) WAC 388-290-110(4) makes clear that the department will not guarantee child care if there is more than one adult in the assistance unit

Proposal Changes the Following Existing Rules: Child care WAC numbers are changed. The only rule change is in WAC 388-290-110(4) which removes the guarantee that the department will pay child care when there is more than one adult in the assistance unit.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule change affects only clients and their families served by Economic Services Administration.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These changes are covered under subsection (5)(b)(iii) and (iv).

Hearing Location: Office Building 2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on November 7, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App by October 24, 1995, TDD (360) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by October 31, 1995.

Date of Intended Adoption: November 8, 1995.

September 8, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 388-51 WAC Job opportunities and basic skills training program child care and other work-related supportive services and transitional child care.

Chapter 388-290 WAC CHILD CARE

NEW SECTION

WAC 388-290-010 Child care and other work-related supportive services—Purpose. The purpose of this program is to provide child care and other support services necessary to assist families with dependent children to become self-sufficient.

NEW SECTION

WAC 388-290-020 Definitions. Except as specified in this chapter, terms used under chapter 388-290 WAC shall have the same meaning applied to the AFDC program, as terms defined under chapters 388-22 and 388-250 WAC, and to the JOBS program under chapter 388-47 WAC.

(1) "Able" means physically and/or mentally capable of caring for a child in a responsible manner.

(2) "Applicable standards" means standards and practices related to child care under chapter 388-73 WAC or, in the case of a tribal JOBS program, tribal law.

(3) "Child care overpayment" means any child care payment received by or for an assistance unit for a month which exceeds the amount the unit was eligible to receive.

(4) "Co-payment" means the computed amount which the parent pays toward the child's cost of care.

(5) "JOBS" means the job opportunities and basic skills training program for eligible AFDC families which assists obtaining education, training, and employment needed to avoid long-term welfare dependence.

(6) "Support services" means child care, and other services provided for under federal law, that may be required, enabling an AFDC applicant or recipient to pursue employment, education, and training under chapter 388-47 WAC JOBS training program.

NEW SECTION

WAC 388-290-040 Assurances and responsibilities under JOBS, income assistance, and transitional child care. (1) The department shall assure:

(a) Supportive services needed to enable a participant with an approved employability plan to participate in accordance with that approved plan in the JOBS program;

(b) Child care services meet applicable standards of state or tribal law as described under WAC 388-15-170;

(c) An entity providing child care allows parental access;

(d) The child's individual needs are taken into account when the department provides or arranges for child care and other supportive services; and

(e) Child care provided or claimed for payment is related to a person's JOBS program participation or employment hours.

(2) The department shall:

(a) Inform applicants or recipients about child care and supportive services available under this chapter;

(b) Respond to requests for child care services within a reasonable period of time;

(c) Inform applicants or recipients of the types and locations of child care services available to help them select child care services;

(d) Inform applicants or recipients of the child care options for which the department can make payment as described under WAC 388-290-110. The department shall:

(i) Provide information on transitional child care to all families terminating from AFDC; and

(ii) Include information on how to request transitional child care in the informational material provided to families terminating from AFDC.

(e) Inform applicants or recipients of their rights and responsibilities in relation to child care and support services;

- (f) Provide timely child care payments to the provider; and
- (g) Provide advance and adequate notice to recipients of reduction, suspension, or termination of child care benefits.
- (3) The recipient shall:
- (a) Choose the provider and make the child care arrangements;
- (b) Immediately notify the department of any change in providers;
- (c) Pay the in-home care giver when the department pays the applicant or recipient for in-home care;
- (d) Pay any required co-payment;
- (e) Supply the department with necessary information to allow payment to the authorized provider; and
- (f) Immediately notify the provider when the department discontinues or changes the child care authorization.
- (4) The provider shall provide:
- (a) Parental access;
- (b) Constant supervision of a child under care throughout the time such person is the provider;
- (c) Developmentally appropriate activities for a child under provider's care; and
- (d) Access to attendance records by appropriate state and federal government representatives.
- (5) The provider shall meet licensing and contracting requirements as required under chapter 388-73 WAC.

NEW SECTION

- WAC 388-290-110 JOBS, income assistance, and transitional child care programs.** (1) The department shall guarantee child care by:
- (a) Paying providers for center care or family day care when the provider is:
- (i) Licensed under chapter 74.15 RCW and chapter 388-73 WAC;
- (ii) Exempt from licensure under chapter 74.15 RCW and chapter 388-73 WAC;
- (iii) A tribal day care center meeting the requirements of tribal law and certified by the department;
- (iv) A child care facility, certified by the department, on a military installation; or
- (v) A child care facility operated on public school property by a school district.
- (b) Paying the recipient for in-home care provided the care taker meets the requirements as described under WAC 388-15-170(8). In-home care shall include care given in the child's home or in a relative's home if the relative is:
- (i) An adult sibling living outside the child's home; or
- (ii) Grandparents, aunts, uncles, or first cousins.
- (c) Allowing the dependent care earnings disregard for employed AFDC recipients. The department shall allow a disregard when the household:
- (i) Received AFDC on October 13, 1988, based on application of the dependent care disregard, and has remained continuously eligible for grant assistance since that time. Such households shall have the option to use the disregard or state-paid child care;
- (ii) Was employed on September 30, 1991, and has not converted to the state-paid, child care system; or
- (iii) Is subject to retrospective budgeting and is converting to state-paid child care. When the household incurred

child care costs in the corresponding budget month, the department shall allow both state-paid child care and a child care earnings disregard for the month of conversion and the month thereafter.

- (2) Within the child care guarantee of this section, the department shall authorize payment for child care to allow:
- (a) An AFDC applicant or recipient to participate in:
- (i) JOBS orientation or assessment;
- (ii) Job search that is part of an approved employability plan under chapter 388-47 WAC; or
- (b) An AFDC recipient to participate in:
- (i) Work-related barrier removal activities, as approved by the department for participation in employment or activities under chapter 388-47 WAC;
- (ii) In an approved education or training or other component activity under chapter 388-47 WAC; or
- (iii) Employment, either to accept or maintain.
- (c) A family eligible for transitional child care to participate in employment activities.
- (3) The department shall take the individual needs of the child into account.
- (4) The department shall not guarantee child care for households where any adult in the assistance unit is able and available to care for the children. See "able" as defined under section 020 of this chapter.

NEW SECTION

WAC 388-290-115 JOBS, income assistance, and transitional child care programs—Eligible children and recipients. (1) The department shall authorize necessary child care if the dependent child is:

- (a) Included in the same assistance unit as the recipient; or
- (b) For transitional child care, meets the requirements of WAC 388-290-170(4); or
- (c) Included in the household, but is not in the recipient's assistance unit because the child is receiving SSI benefits or foster care benefits under Title IV-E of the Social Security Act; and
- (d) Twelve years of age or younger; or
- (e) Physically or mentally (including emotionally) incapable of self-care, as verified by a licensed medical practitioner or licensed or certified psychologist; or
- (f) Under court supervision.
- (2) The department shall not authorize child care to a recipient not included in the assistance unit when the recipient is:
- (a) An undocumented alien;
- (b) A recipient of SSI; or
- (c) A nonneedy relative.
- (3) The department shall authorize JOBS and income assistance child care to employed recipients not included in the assistance unit due to a sanction with children meeting the requirements of subsection (1) of this section.

NEW SECTION

WAC 388-290-120 JOBS, income assistance, and transitional child care program—Payment. (1) The department's payment for child care shall not exceed the seventy-fifth percentile of local market rate for child care.

The department shall establish the department limits based on representative samples of local child care providers.

(2) The child care rate limits shall be as published by the department.

(3) The department's payment for child care shall:

(a) Relate to a person's hours of participation under chapter 388-47 WAC or hours of employment; and

(b) Include transportation time between the place of employment or participation site for activity under chapter 388-47 WAC and the child care provider.

(4) The department may authorize child care payments for JOBS or income assistance child care for up to two weeks for a person waiting to enter education or training, or other component activity approved under chapter 388-47 WAC, or employment.

(5) The department may authorize JOBS, income assistance, or transitional child care for a period not to exceed one month when:

(a) Child care arrangements would otherwise be lost; and

(b) The component activity or employment is scheduled to begin within that period.

(6) The department may pay for initial one-time fees for registration or equipment which are required by an authorized child care provider if such fees are:

(a) Required of all parents whose child is in care; and

(b) Needed to maintain a child care arrangement.

(7) The department shall not pay ongoing annual registration fees.

(8) Notwithstanding WAC 388-290-110 (1)(b), the department may establish a protective payee due to mismanagement when the recipient fails to pay the in-home care provider when:

(a) The department has issued a child care warrant to the correct address and twelve or more working days have passed since the issuance date; and

(b) The recipient has not reported the warrant lost, stolen, or destroyed.

NEW SECTION

WAC 388-290-123 JOBS, income assistance, and transitional child care programs—Effective dates. (1) The department shall authorize JOBS and income assistance child care for:

(a) Orientation or assessment, to coincide with participation in orientation or assessment provided the household has applied for assistance;

(b) Employment, to coincide with the start of employment or the date of eligibility for assistance, whichever is later, as long as the recipient reports employment by the eighteenth day of the process month. If the recipient does not report employment timely, the effective date for child care benefits shall be the date of request for child care;

(c) Other approved activities, to coincide with the date of request for child care or the date the activity commenced or was approved, whichever is later.

(2) The department shall authorize transitional child care for eligible families as required under WAC 388-290-155(3).

(3) The department shall provide timely notice to recipients for changes in payment when the change results in

a discontinuation, suspension, reduction, termination, or forces a change in child care arrangements:

(a) Except, as required under WAC 388-290-120 (4) and (5), the department shall terminate child care benefits to coincide with the termination of a component activity or assistance, provided timely notice for the change in child care has been given; and

(b) Timely notice requirements shall not apply for other changes in the manner of payment.

NEW SECTION

WAC 388-290-130 Income assistance and transitional child care programs—Effect on eligibility and payments. (1) Except as provided under chapter 388-218 WAC, WAC 388-290-110 (1)(c), and subsections (2) and (3) of this section, the department shall determine AFDC eligibility and payment amounts without the dependent care disregard for households subject to the income assistance child care program.

(2) The department shall determine payment amounts with the dependent care disregard for households receiving both state-paid child care and the earnings disregard for the month of conversion and the month thereafter.

(3) When eligible, an employed applicant's eligibility for income assistance child care starts with the first day of AFDC eligibility.

(4) The department shall not consider the child care benefits provided under this chapter as income or resources when determining AFDC, food stamp program eligibility, or payment amount. The department shall treat income received as a child care provider according to the requirements under chapters 388-49 and 388-218 WAC.

NEW SECTION

WAC 388-290-135 JOBS, income assistance, and transitional child care—Hearings. (1) Applicants or recipients shall be entitled to fair hearings under chapter 388-08 WAC on any action affecting child care benefits except for changes resulting from a change in policy or law.

(2) Recipients of JOBS and income assistance child care payments shall not be eligible for continued child care benefits pending the outcome of a fair hearing.

(3) Recipients of transitional child care benefits are eligible for continued benefits pending the outcome of a fair hearing. Continued benefits may not extend beyond the family's twelve-month eligibility period.

NEW SECTION

WAC 388-290-140 Income assistance child care program—Conversion. (1) The department shall convert or subject households to the state-paid income assistance child care program as follows:

(a) At application. The department shall consider a reapplication following a break in assistance of one month or more as an application;

(b) For existing cases starting employment after October 1, 1991, when employment starts; and

(c) For existing cases that are employed on October 1, 1991, at the next eligibility review or the month thereafter, or upon the recipient's request, if earlier.

(2) Recipients that cease to be eligible for assistance at conversion because of the loss of the child care earnings disregard shall receive transitional benefits, if otherwise eligible.

NEW SECTION

WAC 388-290-155 Transitional child care—Purpose and initial eligibility. (1) The department shall:

(a) Guarantee transitional child care to families who become ineligible for AFDC as described under subsection (2) of this section; and

(b) Permit such AFDC-ineligible families to accept or retain employment.

(2) A family shall be eligible for transitional child care provided the family:

(a) Is ineligible for AFDC due solely or in part because of increased hours of, or increased income from, employment or the loss of income disregards due to time limitations;

(b) Received AFDC in three or more of the six months immediately preceding the first month of ineligibility; and

(c) Requested orally or in writing transitional child care benefits and provides the information necessary for determining eligibility and fees.

(3) A family's eligibility for transitional child care shall:

(a) Begin with the first month the AFDC family is ineligible for AFDC for reasons described under subsection (2) of this section; and

(b) Continue for a period of twelve consecutive months.

(4) Families may begin receiving child care in any month during the twelve-month eligibility period. The department shall allow retroactive benefits for child care paid by an eligible family during this twelve-month period when the:

(a) Provider meets requirements as described under WAC 388-290-110(1); and

(b) Family requests benefits during the twelve-month period.

NEW SECTION

WAC 388-290-160 Transitional child care—Co-payment. (1) The caretaker relative shall contribute to the transitional child care cost based on the family's ability to pay according to a sliding scale based on the AFDC need standard as described under chapter 388-250 WAC.

(a) Families with gross income, at or below one hundred percent of the needs standard, shall contribute five dollars per month toward the transitional child care cost.

(b) Families with gross income exceeding one hundred percent of the needs standard shall contribute toward the transitional child care cost at the rate of twenty-five percent of the income exceeding one hundred percent of the needs standard, but not less than five dollars per month.

(c) In computing the effects of income on transitional child care co-payment levels, the department shall apply AFDC rules as described under chapter 388-218 WAC.

(d) The department shall calculate co-payments for the transitional child care total cost without regard to the number of children receiving care.

(2) The department shall calculate co-payments:

(a) At the time of the initial eligibility determination;

(b) When monthly income decreases; and/or

(c) When household size increases.

(3) A person failing to pay the required co-payment shall be subject to termination as required under WAC 388-290-170 (1)(c).

(4) A family shall pay the co-payment for transitional child care directly to the child care provider.

NEW SECTION

WAC 388-290-170 Transitional child care—Ongoing eligibility. (1) A family's eligibility for transitional child care ceases to exist for a remaining portion of the twelve-month period when the caretaker relative:

(a) Terminates employment without good cause. Good cause for failure to retain employment includes, but is not limited to:

(i) Physical, mental, or emotional inability to perform the required activity;

(ii) Court-ordered appearance or temporary incarceration;

(iii) Family or individual emergency or crises;

(iv) Breakdown in transportation arrangements, with no readily accessible alternate transportation;

(v) Inclement weather preventing a person and others similarly situated from traveling to, or participating in, the prescribed employment;

(vi) The nature of the employment is hazardous to the person;

(vii) The employment wages do not meet minimum wage standards or are not customary for the work in the community;

(viii) The employment was obtained due to a vacancy caused by a labor dispute;

(ix) Refusal to accept major medical treatment needed to continue employment, for example, major surgery;

(x) Refusal to continue employment when the wages, less mandatory payroll deductions and necessary work-related expenses, do not equal or exceed the family's AFDC cash benefit;

(xi) Illness or incapacity of another household member requiring the caretaker relative's care; or

(xii) Child care problems and/or loss of a child care provider.

(b) Fails to cooperate with the department in establishing and enforcing child support obligations;

(c) Fails to pay required co-payment fees; or

(d) Child is no longer dependent, except for deprivation by unemployment.

(2) The department shall only reinstate a family's eligibility for child care when:

(a) The caretaker relative loses a job with good cause and finds another job. The department may qualify the family for the remaining portion of the twelve-month eligibility period; or

(b) Back co-payment fees are paid or satisfactory arrangements are made to make full payments.

(3) Siblings of children eligible for transitional child care, if needy and otherwise eligible, who enter or return to a household, shall be eligible to receive transitional child care benefits.

PROPOSED

(4) The department shall not consider transitional child care benefits as income or resources when determining AFDC or food stamp program eligibility or payment amount. The department shall treat income received as a child care provider according to chapters 388-49 and 388-218 WAC.

NEW SECTION

WAC 388-290-180 Child care overpayments. (1) In those areas not expressly covered under this section, recipients of JOBS, income assistance, and/or transitional child care benefits shall be subject to and covered by chapter 388-270 WAC.

(2) The department shall include, but not limit, a child care overpayment to:

(a) Vendor payments for child care provided during a period when a child was not eligible for public assistance;

(b) Payments made pending a fair hearing when the fair hearing decision subsequently finds against the client;

(c) Payments made during the ten-day advance notice period when the client is ineligible for payment; and

(d) Continued payments received by the recipient because the appropriate ten-day advance period extends into the next month.

(3) The department shall calculate the amount of the child care overpayment based on the amount of child care payment the client or the child care provider receives for which the assistance unit was not entitled.

(4) When establishing an overpayment, the department shall reduce any child care overpayment by the amount of any child care underpayment where applicable.

(5) The department shall recover overpayments from:

(a) The assistance unit which was overpaid;

(b) Any assistance unit of which a member of the overpaid assistance unit has subsequently become a member; or

(c) Any member of the overpaid assistance unit whether or not currently a recipient.

(6) When a provider has claimed payment for child care services not provided, the department shall establish the overpayment in the provider's name.

(7) The department shall attempt recovery of an overpayment in all cases:

(a) Of fraud;

(b) Involving current recipients of child care benefits; and

(c) Where cost of recovery does not exceed the overpayment amount.

(8) In recovering overpayments from a family currently receiving child care benefits, the department shall consider a family's income level and financial obligations, including household expenses, when determining repayment requirements. Such families shall retain a reasonable amount of funds to meet the needs of the assistance unit.

(9) The department may only make recovery of child care overpayments from current Title IV-A child care recipients from child care benefits. Recovery may not interfere with child care arrangements.

(10) The department may make any recoveries of child care overpayments from AFDC benefit payments only on a voluntary request from a family receiving AFDC benefits.

(11) The department shall recover overpayments from families no longer receiving child care payments as required under WAC 388-270-1150.

NEW SECTION

WAC 388-290-210 Other supportive services. The department and the JOBS contractor may provide other supportive services payment or reimbursement for other supportive services expenses enabling a person to participate in the JOBS program.

(1) The department shall subject the expenditures for a participant's supportive services to the maximum limits as indicated in the state's supportive services plan.

(2) The department shall ensure supportive services are as outlined in the JOBS supportive services state plan and include, but are not limited to:

(a) Transportation costs;

(b) Tools and equipment;

(c) License fees, including union initiation fees and licenses required by law, employer, or union for participation in JOBS or employment; and

(d) One-time work-related expenses necessary for a participant to accept or maintain employment. The department shall only allow these expenses when:

(i) The participant has a bona fide job expected to last thirty days or more;

(ii) Other funds are not available; and

(iii) Such expenses are required for the type of work.

NEW SECTION

WAC 388-290-250 Transitional supportive services. The department or the contractor may provide transitional supportive services, as outlined in the JOBS supportive services state plan, to a JOBS participant who loses eligibility for AFDC.

(1) Services provided within thirty days following AFDC termination include, but are not limited to transportation, one-time work-related expenses, and social services; and

(2) Counseling services for job retention may be provided for up to ninety days following AFDC termination.

NEW SECTION

WAC 388-290-260 Supportive services overpayments. (1) In those areas not expressly covered by this section, it is the intent of the department that recipients of JOBS and/or transitional supportive services benefits shall be subject to and covered by chapter 388-270 WAC.

(2) "Supportive services overpayment" means any supportive service payment received by or for an assistance unit or JOBS participant that exceeds the amount the unit was eligible to receive.

(3) The department shall determine the amount of the supportive services overpayment is the amount of payment received by the assistance unit or vendor for which the assistance unit was not entitled.

(4) For current recipients of supportive services benefits, the department may only make recovery of support services overpayments from support services benefits. The department may only make a recovery of an overpayment from

AFDC benefit payments upon voluntary request from a family receiving AFDC benefits.

(5) Recovery of overpayments from families no longer receiving supportive services payments, follow WAC 388-270-1150.

WSR 95-19-038

**WITHDRAWAL OF PROPOSED RULES
WASHINGTON STATE UNIVERSITY
(By the Code Reviser's Office)
[Filed September 12, 1995, 4:45 p.m.]**

WAC 504-24-020, proposed by the Washington State University in WSR 95-06-062, appearing in issue 95-06 of the State Register, which was distributed on March 15, 1995, 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 95-19-052

**PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed September 14, 1995, 4:11 p.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-17-022.

Title of Rule: Food storage warehouses.

Purpose: To establish renewal date for food storage warehouse licenses.

Statutory Authority for Adoption: Section 10, chapter 374, Laws of 1995.

Summary: Establishes April 1 as annual renewal date for food storage warehouse license.

Reasons Supporting Proposal: Annual license cannot be implemented without renewal date, statute required director to establish renewal date.

Name of Agency Personnel Responsible for Drafting and Implementation: Verne Hedlund, 1111 Washington Street, (360) 902-1860; and Enforcement: Mike Donovan, 1111 Washington Street, (360) 902-1883.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Establishes renewal date for food storage warehouse license. Renewal date is required to meet requirement under chapter 374, Laws of 1995.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rule has no economic impact, license fees are set in statute.

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

Hearing Location: Natural Resources Building, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504-2560, on October 25, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by October 11, 1995, TDD (360) 902-1996.

Submit Written Comments to: Verne Hedlund, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2087, by October 25, 1995.

Date of Intended Adoption: November 8, 1995.

September 14, 1995

Candace A. Jacobs
Assistant Director

**Chapter 16-145 WAC
FOOD STORAGE WAREHOUSES**

NEW SECTION

WAC 16-145-010 Purpose. These rules are promulgated under section 10, chapter 374, Laws of 1995. The purpose of these rules is to establish a renewal date for the annual food storage warehouse license.

NEW SECTION

WAC 16-145-020 Food storage warehouse license. The license period for food storage warehouses shall begin on April 1 and run through the following March 31. All food storage warehouse licenses shall expire on March 31 of each year.

**WSR 95-19-077
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed September 18, 1995, 3:53 p.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 94-16-021.

Title of Rule: Licensing standards for staffed residential homes for children, amending WAC 388-73-014, 388-73-058, 388-73-074, 388-73-076, and 388-73-146 of chapter 388-73 WAC; and adding twenty-two new sections.

Purpose: Creates a new category of licensed care for facilities that are smaller than group homes but may not meet the statutory definition of a foster family home.

Statutory Authority for Adoption: Chapter 74.15 RCW.
Statute Being Implemented: Chapter 74.15 RCW.

Summary: The proposed rules would provide health, fire, staffing, and program standards for a new category of care.

Reasons Supporting Proposal: Providers feel that it is unnecessarily burdensome for them to have to meet requirements for group homes which are generally larger.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Fibel, Olympia, 753-0204; and Enforcement: Rosalyn Oreskovich, Olympia, 586-4031.

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

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

PROPOSED

Explanation of Rule, its Purpose, and Anticipated Effects: The rules will provide simpler requirements for small residential programs that largely care for special needs children. The rules will eliminate the need for these facilities to meet the same requirements as group care facilities. The anticipated effect of these rules is that residential beds for special needs children would be more available.

Proposal Changes the Following Existing Rules: WAC 388-73-014, 388-73-058, 388-73-074, 388-73-076, and 388-73-146 are amended. These are rules that apply to most licensed child care programs. They cover social services, care of infants, earning and allowances, etc. They are revised to indicate that they also apply to the new category of care.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The facilities to which this revision applies represents an insignificant portion of their industrial group.

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

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on November 7, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by October 24, 1995, TDD (360) 753-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, 98504, Identify WAC Numbers, FAX (360) 586-8487, by October 31, 1995.

Date of Intended Adoption: November 8, 1995.

September 18, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

Reviser's note: The material contained in this filing will appear in the 95-20 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 95-19-078

PROPOSED RULES

DEPARTMENT OF LICENSING

(Board of Registration for Professional Engineers and Land Surveyors)

[Filed September 19, 1995, 8:46 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-13-043.

Title of Rule: WAC 196-26-020 Engineer and land surveyor fees and charges.

Purpose: State law requires that all professional licensing programs collect sufficient revenue through fees to recover the cost of the regulatory program. Adjustments are required periodically to assure that revenue is consistent with expenditures. Additionally, chapter 356, Laws of 1995 created new fees for this program.

Statutory Authority for Adoption: RCW 43.24.086 together with RCW 18.43.050, [18.43.]060, [18.43.]080, [18.43.]100, [18.43.]110, [18.43.]130 and chapter 356, Laws of 1995.

Statute Being Implemented: Chapter 18.43 RCW.

Summary: Renewal fees for engineers, land surveyors, corporations and partnerships are reduced. Fees are established for the land surveyor-in-training program.

Reasons Supporting Proposal: A reduction in renewal fees is justified because the program's spending authority (appropriation) is lower than the revenue collected. New fees are required by chapter 356, Laws of 1995.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Alan Rathbun, 405 Black Lake Boulevard, Olympia, WA, (360) 753-3634.

Name of Proponent: Board of Registration for Professional Engineers and Land Surveyors, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes fees and charges necessary to support the engineer and land surveyor licensing program. Fees are set at a level to recover sufficient revenue to equal the cost of this professional licensing program.

Proposal Changes the Following Existing Rules: This amendment reduces the renewal fee for individual professional engineers, land surveyors, engineering corporations and partnerships. New fees are established for the land surveyor-in-training program created by chapter 356, Laws of 1995.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required under chapter 19.85 RCW, Regulatory Fairness Act per rule adoption under RCW 34.05.310(4) Fee adjustment. New fees no more than \$50, therefore minor and negligible per regulatory fairness guide by Washington Business Assistance Center.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Exempt under section 201 (5)(b)(vi), chapter 403, Laws of 1995.

Hearing Location: Business and Professions Division, 405 Black Lake Boulevard, Conference Room 1, 1st Floor, Olympia, WA 98502, on October 30, 1995, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Shanann Rennaker by October 16, 1995, TDD (360) 586-2788, or (360) 753-3634.

Submit Written Comments to: Alan Rathbun, P.O. Box 9649, Olympia, WA 98507-9649, FAX (360) 664-2551, by October 27, 1995.

Date of Intended Adoption: October 30, 1995.

September 18, 1995

John Swannack
Deputy Director

AMENDATORY SECTION (Amending WSR 93-10-057, filed 4/30/93, effective 7/1/93)

WAC 196-26-020 Engineer and land surveyor fees. The following fees shall be charged by the (~~professional licensing services~~) business and professions division of the department of licensing:

Title of Fee	Fee
Engineers:	
Professional engineer application, examination, and certificate <u>(\$60 exam fee; \$40 agency fee)</u>	\$ 100.00
Structural engineer application, examination, and certificate	175.00
Professional engineer examination retake <u>(\$60 exam fee; \$30 agency fee)</u>	90.00
Structural exam retake	160.00
Comity	100.00
Replacement certificate	25.00
Exam (locally prepared) rescore	50.00
Renewal (per year)	((56.00)) <u>48.00</u>
Late renewal penalty	((56.00)) <u>48.00</u>
Duplicate license	15.00
Temporary permit	100.00
Engineer in training:	
Application, examination, and certificate <u>(\$30 exam fee; \$20 agency fee)</u>	50.00
Examination retake <u>(\$30 exam fee; \$20 agency fee)</u>	50.00
Replacement certificate	25.00
Land surveyor:	
Application, examination, and certificate	100.00
FLS examination retake <u>(\$40 exam fee; \$0 agency fee)</u>	40.00
PPLS examination retake	60.00
Comity	100.00
Comity exam retake	60.00
PPLS exam rescore	50.00
Renewal (per year)	((56.00)) <u>48.00</u>
Late renewal penalty	((56.00)) <u>48.00</u>
Replacement certificate	25.00
Duplicate license	15.00
Land surveyor in training (effective April 1, 1996):	
<u>Application, examination, and certificate (\$40 exam fee; \$10 agency fee)</u>	<u>50.00</u>
<u>Examination retake (\$40 exam fee; \$10 agency fee)</u>	<u>50.00</u>
<u>Replacement certificate</u>	<u>25.00</u>
Engineer corporation:	
Certificate of authorization	300.00
Renewal <u>(per year)</u>	((150.00)) <u>100.00</u>
Duplicate license	15.00
Replacement certificate	25.00
Engineer partnership:	
Certification of authorization	300.00
Renewal <u>(per year)</u>	((150.00)) <u>100.00</u>
Replacement certificate	25.00
Duplicate license	15.00

WSR 95-19-079
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
 [Filed September 19, 1995, 8:55 a.m.]

Original Notice.
 Preproposal statement of inquiry was filed as WSR 95-16-070.
 Title of Rule: Permanent bicycle pass for Washington state ferries.
 Purpose: To enable a pilot project to become permanent.
 Statutory Authority for Adoption: RCW 47.56.030 and 47.60.326.
 Statute Being Implemented: RCW 47.60.326.
 Summary: To revise the existing schedule of tolls for the Washington state ferries to enable a pilot program for a bicycle pass to become permanent.
 Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Washington State Ferries, 801 Alaskan Way, Seattle, 98104, (206) 464-6428.
 Name of Proponent: Washington State Department of Transportation, governmental.
 Rule is not necessitated by federal law, federal or state court decision.
 Explanation of Rule, its Purpose, and Anticipated Effects: To revise the existing schedule of tolls for the Washington state ferries to enable a pilot program for a bicycle pass to become permanent.
 Proposal does not change existing rules.
 No small business economic impact statement has been prepared under chapter 19.85 RCW. Will not have an impact on small business.
 Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Agency not included under subsection (5)(a)(i) of section 201.
 Hearing Location: Room 1D2, Transportation Building, Olympia, Washington 98504, on November 16, 1995, at 1:00 p.m.
 Assistance for Persons with Disabilities: Contact 1-800-486-8392 by November 15, 1995, (360) 705-6980.
 Submit Written Comments to: Ben Klein, Transportation Building, Room SC-06, Olympia, Washington 98504, FAX (360) 705-6808, by November 15, 1995.
 Date of Intended Adoption: November 16, 1995.
 September 18, 1995
 S. A. Moon
 Deputy Secretary
 for Operations

PROPOSED

AMENDATORY SECTION (Amending Order 77, filed 8/25/94, effective 9/25/94)**WAC 468-300-010 Ferry passenger tolls.**

Effective 03:00 a.m. October 9, 1994

ROUTES	Full Fare	Half Fare	Frequent User Ticket Book 20 Rides ¹	Monthly Pass ⁵	Bicycle Surcharge ² @ ⁶
Via Passenger-Only Ferry *Seattle-Vashon *Seattle-Southworth *Seattle-Bremerton	3.50	1.75	21.00	44.10	N/C
Via Auto Ferry *Fauntleroy-Southworth *Seattle-Bremerton *Seattle-Winslow *Edmonds-Kingston	3.50	1.75	21.00	44.10	0.50
Port Townsend-Keystone	1.75	0.90	21.00	N/A	0.25
*Fauntleroy-Vashon *Southworth-Vashon *Pt. Defiance-Tahlequah *Mukilteo-Clinton	2.30	1.15	13.70	29.00	0.50
*Anacortes to Lopez Shaw, Orcas or Friday Harbor	4.95	2.50	29.60	N/A	2.75
Between Lopez, Shaw, Orcas and Friday Harbor ⁴	N/C	N/C	N/C	N/A	N/C
<i>International Travel</i>					
Anacortes to Sidney and Sidney to all destinations	6.90	3.45	N/A	N/A	4.50
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	1.75	1.00	N/A	N/A	1.75
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ³	8.65	4.45	N/A	N/A	6.25

@ These fares rounded to the nearest multiple of \$.25.

* These routes operate as a one-point toll collection system.

¹FREQUENT USER TICKETS - Shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage.

²BICYCLE SURCHARGE - Is an addition to the appropriate passenger fare.

³ROUND TRIP - Round trip tickets for international travel available for trips beginning or ending on one of the Islands served.

⁴INTER-ISLAND FARES - Passenger fares included in Anacortes tolls.

⁵MONTHLY PASS - A monthly passenger pass is available for all routes except: Anacortes/San Juan Island/Sidney and Port Townsend/Keystone, as a pilot program. The pass is available through some local employers. It is a flash pass valid for the month printed on the pass and will be presented to Washington state ferries staff whenever a passenger fare is collected. This pass is based on 21 days of passenger travel with a 40% discount.

⁶BICYCLE PASS - A bicycle pass is available on all routes except: Anacortes/San Juan Island/Sidney ((and Port Townsend/Keystone, as a 1-year pilot program)) for a \$10.00 annual fee subject to meeting WSF specified conditions. The pass is valid for one year. A cyclist with a valid pass shall have the bicycle surcharge waived.

HALF FARE - Children under five years of age will be carried free when accompanied by parent or guardian. Children five through eleven years of age will be charged half-fare. Children twelve years of age will be charged full-fare.

SENIOR CITIZENS - Passengers age 65 and over, with proper identification establishing proof of age, may travel at half-fare passenger tolls on any route where passenger fares are collected.

PERSONS OF DISABILITY - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize ferry system services, upon presentation of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes a disability may travel at half-fare passenger tolls on any route. In addition, those persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Disability Travel Permit and such endorsement shall allow the attendant to travel free.

BUS PASSENGERS - Passengers traveling on public transit buses pay the applicable fare. Passengers traveling in private or commercial buses will be charged the half-fare rate.

MEDICARE CARD HOLDERS - Any person holding a Medicare card duly issued to that person pursuant to Title II or Title XVIII of the Social Security Act may travel at half-fare passenger tolls on any route upon presentation of a WSF Disability Travel Permit or a Regional Reduced Fare Permit at time of travel.

FERRY/TRANSIT PASS - A combination ferry-transit monthly pass may be available for a particular route when determined by Washington state ferries and a local public transit agency to be a viable fare instrument. The WSF portion of the fare is based on 21 days of passenger travel at a 50% discount.

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

SCHOOL GROUPS - Passengers traveling in authorized school groups for institution-sponsored activities will be charged a flat rate of \$1 per walk-on group or per vehicle of students and/or advisors and staff. Walk-on groups and private vehicles require a letter of authorization. Vehicles and drivers will be charged the fare applicable to vehicle size. The special school rate is \$2 on routes where one-point toll systems are in effect.

WSR 95-19-080
PROPOSED RULES
SKAGIT VALLEY COLLEGE
 [Filed September 19, 1995, 9:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-16-050.

Title of Rule: Repealing WAC 132D-300-010 Statement of policy, 132D-300-020 Jurisdiction, 132D-300-030 Grievance procedure, and 132D-300-040 Definition—Sexual harassment; and adopting WAC 132D-305-005 Sexual harassment policy, 132D-310-005 Skagit Valley College anti-discrimination policy, and 132D-315-005 Students with disabilities policy.

Purpose: To add more information and make a strong stand against sexual harassment and discrimination; to add and clarify handicapped services on campus.

Statutory Authority for Adoption: RCW 28B.50.140.

Summary: To include Skagit Valley College's policy on sexual harassment, antidiscrimination and students with disabilities in the WAC. These policies have a strong stand against discrimination and harassment and provide a process for appeal. The students with disabilities policy outlines services available to students[,] a grievance and appeal process. The sections being repealed have been superseded by the sections proposed for adoption.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Judi Knutzen, C-111, Administration Annex Building, Skagit Valley College, (360) 428-1183; Implementation and Enforcement: Dr. Brinton Sprague, C-116, Administration Annex Building, Skagit Valley College, (360) 428-1223.

Name of Proponent: Skagit Valley College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: (1) The sexual harassment policy changes the process for filing grievances and the methods used for investigation of sexual harassment claims; (2) the antidiscrimination policy defines discrimination, names protected groups, and provides a process for grievance and appeal; and (3) the students with disabilities policy names services available for handicapped students at Skagit Valley College and provides a grievance and appeal process for students.

Proposal Changes the Following Existing Rules: Changes grievance and appeal process for sexual harassment and provides these and other processes for discrimination claims and for students with disabilities. The sections that

are affected by these changes are sections requested to be repealed [repealed] (as listed under Title of Rule above).

No small business economic impact statement has been prepared under chapter 19.85 RCW. There are no monetary implications in these policies. No costs are imposed on small business through adoption of these rules.

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

Hearing Location: Skagit Valley College Board Room, 2405 College Way, Mt. Vernon, WA 98273, on November 15, 1995, at 11:30 a.m.

Assistance for Persons with Disabilities: Contact Eric Anderson by November 13, 1995, TDD (360) 428-1680.

Submit Written Comments to: Judi Knutzen, Director, Skagit Valley College WAC Coordinator, FAX (360) 428-1183, by November 15, 1995.

Date of Intended Adoption: December 4, 1995.

September 15, 1995

Dr. Brinton Sprague

Vice-President

Educational Services

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132D-300-010 Statement of policy.

WAC 132D-300-020 Jurisdiction.

WAC 132D-300-030 Grievance procedure.

WAC 132D-300-040 Definition—Sexual harassment.

Chapter 132D-305 WAC
SEXUAL HARASSMENT POLICY

NEW SECTION

WAC 132D-305-005 Sexual harassment policy. (1) Preamble. Sexual harassment is an illegal activity and will not be tolerated at Skagit Valley College. Therefore, it shall be the policy of Skagit Valley College that harassment directed at any individual or group on the basis of gender, marital status, or sexual orientation is in violation of the mission and purpose of Skagit Valley College and shall not be condoned. Any employee or student who feels that she/he has been sexually harassed is encouraged to deal with the situation as outlined in the following procedure.

In recognition of the fact that sex discrimination in the form of sexual harassment is a violation of section 703, Title VII of the Civil Rights Act of 1964, Title IX of the 1972 Education Amendments, and chapter 49.60 RCW, which prohibits discrimination on the basis of race, color, religion,

national origin, or sex, Skagit Valley College hereby declares that sexual harassment of students and/or staff by any member of the district community will not be tolerated.

(2) **Definition.** For purposes of this policy, sexual harassment will be defined as any behavior or action, either physical or verbal, which is sexual in nature, is uninvited, unwanted, or nonreciprocal, and:

(a) Submission to sexual harassment is either an implicit or explicit condition of employment or educational opportunity; or

(b) Submission to, or rejection of, sexual harassment is used as a basis for employment or educational decisions; or

(c) Sexual harassment has the purpose or effect of negatively interfering with the individual's work or educational performance or of creating an intimidating, hostile, or offensive work or educational environment. Sexual harassment may include, but is not limited to the following:

(i) Unwelcome or repeated sexual advances.

(ii) Offensive, disparaging remarks about one's gender, marital status, sexual orientation, or appearance.

(iii) Jokes about gender-specific traits.

(iv) Remarks about one's physical appearance which imply sexual interest.

(v) Subtle pressure for sexual activity, including sexual propositions.

(vi) Unnecessary brushes or touches, including pinching, patting, or grabbing.

(vii) Displayed offensive sexual graffiti, gestures, cartoons, or materials.

(viii) Sexual innuendos or obscene gestures.

(ix) Written communications with sexual overtones.

(x) Sexually offensive remarks disguised as humor.

(xi) Unwanted gifts, staring, leering, or unwanted attention.

(d) Skagit Valley College will investigate allegations of sexual harassment which may include, but is not limited to the following:

(i) The conduct of a faculty member in a faculty-student relationship.

(ii) The conduct of an individual in the paid employment of the district who may grant or withhold benefits to students and employees.

(iii) The conduct of any college supervisory employee.

(iv) The conduct between fellow employees of the college.

(v) The conduct of college agents.

(vi) The conduct of employees when it occurs related to college-sanctioned activities on or off campus and/or hampers the educational or college work environment.

(vii) The conduct of nonemployees when it occurs related to college sanctioned activities on or off campus and/or hampers the educational or college work environment.

(viii) The conduct of students in daily classes and activities.

(3) **In-district procedural guidelines.** When a person believes that she/he has been sexually harassed, the claimant may contact one of the district's ombudspersons. Faculty and staff shall assist the claimant in contacting an ombudsperson. The ombudsperson will provide the claimant with procedures and suggestions to enable the claimant to resolve the problem or to initiate the appropriate complaint

process. All complaints shall be initiated no later than one hundred eighty days from the most recent incident.

The district shall have four ombudspersons: A female and male shall be appointed for both the Mount Vernon and Whidbey campuses. Appointment will be by the president, on the advice of the vice-president, educational services, the dean for administrative and student services, the dean of Whidbey campus (for Whidbey personnel), the president of the SVCEA, the president of the CSA, and the president of ASSVC. Appointment shall be for staggered three-year terms.

Ombudspersons shall report directly to the vice-president - educational services who shall be directly responsible for the implementation of this policy. The ombudspersons shall be responsible for receiving complaints, for receiving and giving training to all members of the college community on sexual harassment as directed by the vice-president - educational services, and for conducting awareness activities for all college groups. They will be assisted in their efforts by the affirmative action officer. The college will carry out any investigation in such a way as to protect the rights of both the claimant and the respondent. The college recognizes that in some circumstances a change of environment may be appropriate during the investigation. If during the mediation process the ombudsperson deems the complaint without merit, it shall be immediately dismissed. Further, if the ombudsperson finds the complaint to be false and malicious, the claimant shall be referred to the designated college officer. Maximum confidentiality and support for both parties shall be maintained at each step of the procedure.

(4) **Advising process.** In the event that an individual feels he or she has been the victim of sexual harassment, the individual may discuss the matter with an ombudsperson on campus. The responsibility of the ombudsperson is to inform the individual of the policy and procedures about sexual harassment. The advising process itself is designed to promote free and open discussions between the individual seeking information and the advisor. An incident report will be generated to record the number of the different types of incidents reported in a given year. The incident reports will be forwarded to the affirmative action officer to be used for tracking purposes only. Names of individuals involved will not be designated on the incident report and no record of the advising conversations will be kept. The college will insure the privacy of all individuals involved in a sexual harassment case. If an individual feels that he or she has a warranted complaint, that individual may choose to proceed to the mediation process or directly to the formal process, step one.

(5) **Mediation.** When an ombudsperson receives a complaint, either verbally or in writing, of sexual harassment, he/she shall discuss the complaint with the respondent within three working days. Such complaints may come from an individual who was the target of the action or a third party. The purpose of the mediation process is to encourage both parties to communicate in an attempt to resolve the conflict. If a meeting occurs during this phase, both the claimant and the respondent may bring a support person. If the complaint appears valid, the ombudsperson shall complete a written report including the complaint and any action taken including the nature of the resolution if one is reached. This report shall be forwarded to the claimant, respondent,

and the affirmative action officer who will keep it in a confidential manner for five years.

The mediation process shall be completed within thirty working days of receipt of complaint by the ombudsperson. If a satisfactory resolution is reached, the claimant and respondent will acknowledge resolution in writing.

(6) **Formal complaint; step one.** In the event that the mediation process does not occur or does not resolve the conflict to the satisfaction of both parties, the following process will be used:

(a) The claimant, within ten working days of the conclusion of the mediation process or the event itself, shall file a written complaint with the ombudsperson stating the times, dates, places, and circumstances surrounding the allegations. The ombudsperson will forward a copy of the complaint to the respondent within five working days. In turn, the respondent shall submit a written response concerning the complaint to the ombudsperson within five working days of receiving the written complaint. Within three working days of the complaint, the ombudsperson will forward all information to the AAO whether or not a response has been received.

The affirmative action officer may also file a formal complaint about any alleged offender who has had repeated claims filed against them. This will be done in collaboration with the receiving ombudspersons.

(b) Within five working days of receiving materials from the ombudsperson, the affirmative action officer will review all forms received and check for completeness and detail. Any concerns about procedure and forms will be discussed with the overseeing ombudsperson and corrections made.

Within the same five working day period, the affirmative action officer will then forward appropriate forms received by the ombudsperson to the appropriate supervisor who will speak informally with the respondent. The affirmative action officer shall also provide a copy of the written complaint and the respondent's response to: The vice-president, educational services when the respondent is faculty; dean responsible for student grievances if respondent is a student; appropriate dean when respondent is classified staff; president when the respondent is an administrator; chair of board of trustees if respondent is the president.

The ombudsperson shall keep a written record of all actions taken in an effort to resolve the complaint. If resolution is reached, the ombudsperson shall complete a written report of this resolution and submit copies to all parties involved.

(c) If a resolution has not been reached, and the parties were not able to mediate together, joint mediation will now take place. The mediation session will include both parties involved in the complaint and a representative for each of them. The ombudsperson and the affirmative action officer will also be present. While the parties may not want to speak to each other, in this session they will hear each other describe the events they believed to have taken place through the facilitation of the ombudsperson. If no resolution is agreed to, the case will now proceed to formal complaint, step two.

If a resolution can be achieved, the ombudsperson shall complete a written report of this resolution and submit copies to all parties involved. The claimant and respondent

will acknowledge resolution in writing. Forms involved in the case will be kept by the affirmative action officer in a confidential manner for five years after which time this information will be destroyed.

(d) The entire formal procedure, step one, will be completed within thirty working days.

(7) **Formal complaint; step two.** If no satisfactory resolution can be achieved through formal complaint, step one, a team will be formed to conduct a fact-finding investigation as follows:

- (a) The affirmative action officer;
- (b) A member of the standing grievance committee selected by the claimant;
- (c) A member of the standing grievance committee selected by the respondent;
- (d) In the case of presidential involvement, a member of the board of trustees.

The team will hear findings from all parties. Within fifteen days of the completion of formal complaint, step one, the team will be charged with submitting a decision to the designated college officer.

The appropriate designated college officer shall be:

(i) The vice-president, educational services when the claimant of infractions of this policy is an employee of the college or when a student is complaining against an employee. When a student is involved, the dean responsible for student grievances will co-chair the investigation. However, the vice-president, educational services will assume the ultimate responsibility to see the process to conclusion.

(ii) The dean responsible for student grievances when the claimant of infractions of this policy is a student complaining against another student.

(iii) In the event the respondent is the vice-president, educational services or the dean responsible for student grievances, the designated college officer shall be the president. In the event the respondent is the president, the designated college officer shall be the chair of the board of trustees.

(8) **Appropriate disciplinary action.** Should the team find (unanimously) discrimination in the form of sexual harassment, the result will be immediate and appropriate action as determined by the designated college officer, which may include, but is not limited to the following order of actions:

- (a) Findings placed in personnel or student file;
- (b) Reprimand;
- (c) Suspension;
- (d) Dismissal.

In cases of suspension or employment termination, existing procedures for students, administrative, faculty or classified staff shall be followed. Administrators, paraprofessionals, vendors and other college employees and agents shall be subject to discipline as deemed appropriate by the panel and the designated college officer. The affirmative action officer shall be responsible for ensuring that disciplinary actions are carried out.

(9) **Repeated offenses.** When a complaint is made against someone who has been found in the past to have been in violation of the sexual harassment policy, the normal procedure will commence. Disciplinary measures chosen for repeat offenders should take into account the repeated lack

of compliance by the offender and should be moved to the next level.

(10) **Nondistrict options.** At any point during these proceedings, the claimant may file concurrently with an outside agency. Claimants are encouraged to use the internal complaint procedures first. Students may file complaints with the Office of Civil Rights, U.S. Department of Education, 2901 Third Ave., M/S 106, Seattle, WA 98121. Employees may file complaints with the Equal Employment Opportunity Commission (EEOC), 1321 Second Avenue, 7th Floor, Arcade Plaza, Seattle, WA 98101, or the Human Rights Commission, 1515 Second Avenue, Columbia Bldg. Suite 400, Seattle, WA 98101.

Chapter 132D-310 WAC ANTIDISCRIMINATION POLICY

NEW SECTION

WAC 132D-310-005 Skagit Valley College antidiscrimination policy. (1) **Preamble.** In March of 1992, the Skagit Valley College board of trustees adopted the dignity statement relating to an environment of equity. This statement said, in part, "A most important policy of the board of trustees of Skagit Valley College is to provide a work place in which all individuals can achieve success in a climate of equality for all people. Equity must be the guiding principle in all college matters. Because the college seeks diversity in all of its services and relationships, the dignity and rights of all people involved must be respected and preserved."

As an academically centered community, Skagit Valley College highly values and respects diversity as a necessary foundation for a healthy learning and working community. A stable, positive and collegial environment is prerequisite to the success of its members.

Adverse treatment on the basis of group or categorical membership has no value or place in the mission of Skagit Valley College. Fostering and developing values which promote open-mindedness, awareness, sensitivity and respect for differences are encouraged and will be supported.

Employees, students, visitors, vendors, and agents of the college must adhere to the following policy. Responsibility for achieving a nondiscriminatory academic and working environment lies with each member of the college community.

(2) **Policy.** It is the policy of Skagit Valley College to prohibit discrimination on the basis of race, ethnicity, national origin, ancestry, creed, color, gender*, marital/parental status, sexual orientation, age, religion, and sensory, mental or physical disability. In recognition of the fact that discrimination in any form is in violation of the mission and purpose of Skagit Valley College, the following federal guidelines will be applied to issues of discrimination: Title IX of the 1972 Education Amendments and chapter 49.60 RCW (which prohibits discrimination on the basis of race, color, religion, national origin, or sex); Title VII of the Civil Rights Act of 1964; the Rehabilitation Act of 1973; Title VI of the Civil Rights Act of 1964; the Vocational Education Act of 1963-1976; and the Americans with Disabilities Act. For the purposes of this policy, discrimination is defined as:

- (a) Exclusionary forms of conduct;
- (b) Creation of an intolerant environment; and
- (c) Malicious harassment.

* Sex discrimination in the form of sexual harassment is covered under Skagit Valley College's sexual harassment policy.

(3) **An exclusionary form of conduct** is any disparate treatment of, or adverse impact on, an individual(s) by a person(s) or a structure(s) which excludes and denies access to participation in services, programs, and activities of the college. Some types of differential treatment, such as separate toilets and locker room facilities for men and women, are considered socially acceptable.

(4) **Creation of an intolerant environment** is the result of the willful or intentional conduct of an individual or group of individuals who engage in threats, expressions (either verbal or nonverbal), physical abuse or harassment that threatens or endangers the health, safety or welfare of a member of the college community. An intolerant environment is also likely to provoke or cause an immediate breach of the peace and interfere with an individual's ability to effectively pursue his or her education or otherwise participate fully in college programs and activities.

(5) **Malicious harassment** is conduct or behavior which is maliciously and intentionally committed because of the claimant's race, ethnicity, national origin, ancestry, creed, color, gender, marital/parental status, sexual orientation, age, religion, or sensory, mental or physical disability. This conduct may include injury to the claimant or another person, damage or destruction of the property of the claimant or another person, or threats to a specific person or group of persons which places that person, or members of the specific group of persons, in reasonable fear of harm to themselves or their property.

In this policy, claimant is defined as the individual bringing forth the complaint; respondent is defined as the individual to whom the claim is directed.

If any provision of this policy is adjudged by a court to be unconstitutional or otherwise illegal, the remaining provisions shall continue in effect.

Skagit Valley College will investigate allegations of discrimination which may include, but is not limited to the following:

- (a) The conduct of a faculty member in a faculty-student relationship.
- (b) The conduct of an individual in the paid employment of the district who may grant or withhold benefits to students and employees.
- (c) The conduct of any college employee in a supervisory position.
- (d) The conduct between fellow employees of the college.
- (e) The conduct of college agents.
- (f) The conduct of employees when it occurs related to college sanctioned activities on or off campus and/or hampers the educational or college work environment.
- (g) The conduct of nonemployees when it occurs related to college sanctioned activities on or off campus and/or hampers the educational or college work environment.
- (h) The conduct of students in daily classes and college sanctioned activities on or off campus.

(6) **Procedures.** When a person believes that she/he has been discriminated against, the claimant may contact one of the district's ombudspersons. Faculty and staff, if requested, shall assist the claimant in contacting an ombudsperson. The ombudsperson will provide the claimant with procedures and suggestions to enable him/her to resolve the problem or to initiate the appropriate informal or formal complaint process. All complaints shall be initiated no later than one hundred eighty days from the most recent incident. However, if a claimant can demonstrate exceptional circumstances to the appropriate designated college officer, the one hundred eighty-day reporting period limit may be waived.

The district shall have a total of two ombudspersons who shall be chosen from the protected classifications related in this policy and shall be appointed for both the Mount Vernon and Whidbey campuses. Appointment will be by the president, on the advice of the vice-president of educational services, the dean responsible for student grievances, the dean of Whidbey campus (for Whidbey personnel), the president of the Skagit Valley College education association, the president of the classified staff association, and the president of the associated students of Skagit Valley College. Appointment shall be for staggered three-year terms.

Ombudspersons shall report directly to the vice-president of educational services who shall be directly responsible for the implementation of this policy. The ombudspersons shall be responsible for receiving complaints and advising the cultural pluralism committee regarding educational efforts needed on critical discrimination issues. The ombudspersons will make every effort to ensure that neutrality is maintained throughout the process. For the purpose of this policy, the ombudsperson will act solely as a resource person and mediator and specifically will not act as an advocate for either party.

The college will carry out any investigation in such a way as to protect the rights of both the claimant and the respondent. The college recognizes that in some circumstances a change of environment may be appropriate during the investigation. If the respondent is the affirmative action officer, an ombudsperson will perform the affirmative action officer's responsibilities throughout the process. Confidentiality shall be maintained to the extent allowed by law.

(7) **Advising process.** In the event that an individual feels he or she has been the victim of discrimination, the individual may discuss the matter with an ombudsperson. The responsibility of the ombudsperson is to inform the individual of the policy and procedures regarding antidiscrimination. The advising process itself is designed to promote free and open discussion between the individual seeking information and the ombudsperson.

If an individual feels that he or she has a warranted complaint, that person may choose to proceed to the mediation process or directly to the formal process, step one.

At the conclusion of the advising process, the ombudsperson will generate an incident report. If the ombudsperson finds the complaint without merit, he/she will not generate a report nor notify the respondent. The identity of individuals involved will not be designated on the report and no record of the advising conversation will be kept. The incident reports will be forwarded to the affirmative action officer to be used to record the number and types of inci-

dents. The college will ensure the privacy of all individuals in the generation and maintenance of incident reports.

(8) **Mediation.** When an ombudsperson receives an informal complaint of discrimination, either verbally or in writing, he/she shall discuss the informal complaint with the respondent within three working days. The purpose of the mediation process is to encourage both parties to communicate in an attempt to resolve the conflict. If a meeting occurs during this phase, both the claimant and the respondent may bring a support person. If the informal complaint appears valid, the ombudsperson shall complete a written report together with the informal complaint and any action taken including the nature of the resolution if one is reached. This report shall be forwarded to the claimant, respondent, and the affirmative action officer. The affirmative action officer will keep the report confidential for five years from the date of final decision on the complaint, after which time it is destroyed.

The mediation process shall be completed within thirty working days of receipt of the informal complaint by the ombudsperson. If a satisfactory resolution is reached, the claimant and respondent will acknowledge resolution in writing to the ombudsperson who will forward a copy of the acknowledgement to the affirmative action officer.

(9) **Formal complaint; step one.** In the event that the mediation process does not occur or does not resolve the conflict to the satisfaction of both parties, the following process will be used:

(a) If the claimant decides to pursue the complaint, he/she shall file a formal complaint in writing with the ombudsperson within ten working days of the conclusion of the mediation process or within one hundred eighty days of the event itself for those claimants who have elected to bypass the mediation process. This formal complaint must state the times, dates, places, and circumstances surrounding the allegations. The ombudsperson will forward a copy of the formal complaint to the respondent within five working days. In turn, the respondent shall forward a written response concerning the formal complaint to the ombudsperson within five working days of receiving the written formal complaint. The ombudsperson shall forward all information to the affirmative action officer in a timely manner. Materials shall be forwarded without a response if a timely response is not received.

The affirmative action officer may also begin the formal complaint; step one process, against any alleged offender who has had repeated claims filed against him or her after the person has had an opportunity to respond in an informal manner. This will be done in collaboration with the ombudsperson.

If the affirmative action officer finds that the factual allegations of the formal complaint do not present a prima facie case of discrimination, as defined under this policy, he/she shall dismiss the complaint. In making this decision, the affirmative action officer should assume that the facts alleged in the complaint are true.

If the affirmative action officer finds the complaint to be false and malicious, he/she shall dismiss the complaint. The affirmative action officer will notify the ombudsperson why the complaint has been dismissed and the ombudsperson shall file that information with the incident report. In addition to dismissing the complaint, the affirmative action

PROPOSED

officer will refer the claimant to the designated college officer for possible disciplinary action.

(b) Within five working days of receiving materials from the ombudsperson, the affirmative action officer will review all information received and check for completeness and detail. Any concerns about procedure and documentation will be discussed with the ombudsperson, with a possible request for clarification from claimant and/or respondent.

Within the same five working day period, the affirmative action officer will forward documentation to the appropriate authority (as listed below) who will speak informally with the respondent:

Respondent	Appropriate Authority
Faculty	Associate dean or dean depending upon reporting relationships
Classified	Director/associate dean/dean depending on reporting relationships
Administrator	Immediate supervisor
Student	Dean of guidance & special populations
President	Chair of board of trustees
Visitor, Vendor, Agent	Vice-president, administrative & business services

The affirmative action officer shall also provide a copy of the written formal complaint and the respondent's response to:

Respondent	Receives Copy
Faculty	Vice-president, educational services
Classified	Appropriate dean
Administrator	President
Student	Dean responsible for student grievances
President	Chair of board of trustees
Visitor, Vendor, Agent	Vice-president, administrative & business services

The ombudsperson shall keep a written record of all actions taken in an effort to resolve the formal complaint. If resolution is reached, the ombudsperson shall complete a written report of this resolution and submit copies to all parties involved.

(c) If resolution is not reached and the parties have not engaged in mediation, joint mediation will now take place. The mediation session will include both parties involved in the formal complaint and a support person or representative for each of them. The ombudsperson and the affirmative action officer will also be present (except when the affirmative action officer is the initiator of the complaint in which case the dean responsible for student grievances will serve). An ombudsperson will facilitate this session where both parties will hear each other describe the events they believe have taken place. If resolution is not reached, the case will now proceed to formal complaint; step two.

If a resolution is achieved, the ombudsperson shall complete a written report and submit copies to all parties involved. The claimant and respondent will acknowledge the resolution in writing. Documents involved in the case will be kept confidential by the affirmative action officer for five years after which time this information will be destroyed.

(d) The entire formal complaint; step one, procedure will be completed within thirty working days.

(10) **Formal complaint; step two.** If the complaint has not been dismissed and a satisfactory resolution is not achieved through formal complaint; step one, a team will be formed to conduct a fact-finding investigation as follows:

(a) The affirmative action officer (except when the affirmative action officer is the initiator, claimant, or respondent of the complaint in which case the dean responsible for student grievances will serve).

(b) A member of the standing grievance committee selected by the claimant.

(c) A member of the standing grievance committee selected by the respondent.

(d) In the case of presidential involvement, a member of the board of trustees.

The team will hear evidence and argument from all parties. In conducting a fact-finding hearing, it is important to recognize that many times potential witnesses will not be available to testify at the time of the hearing. This is particularly true for former students of this institution. Alleged acts of discrimination will often arise in settings where there may be no other direct witnesses besides the claimant and the respondent. Evidence which may be available from former complainants, or others, who are no longer available to testify is likely to be helpful to the fact-finding team in weighing the credibility of the witnesses and in evaluating alleged acts of discrimination. Liberal admissibility of evidence at the fact-finding hearing is, therefore, anticipated and encouraged with the exception of information offered during the mediation process for the purpose of resolving the complaint. Evidence admitted should be accorded whatever weight is deemed appropriate under the circumstances by the fact-finding team.

Within fifteen days of the completion of formal complaint; step two, the team will be charged with submitting a report outlining their findings to the designated college officer.

The appropriate designated college officer shall be:

(i) The vice-president, educational services, when the claimant is an employee of the college or when a student is complaining against an employee. When a student is involved, the dean responsible for student grievances will join the vice-president in determining appropriate action. However, the vice-president, educational services, will assume the ultimate responsibility in seeing the process to conclusion.

(ii) The dean responsible for student grievances when the claimant is a student complaining against another student.

(iii) In the event the respondent is the vice-president, educational services, or the dean responsible for student grievances, the designated college officer shall be the president. In the event the respondent is the president, the designated college officer shall be the chair of the board of trustees.

(11) **Disciplinary/further action.** Where discrimination has been determined to have occurred based on the results of the fact-finding team's report, the designated college officer will determine appropriate action, which may include:

(a) Findings placed in personnel or student file;

(b) Reprimand;

(c) Suspension;

(d) Dismissal.

In cases of suspension or employment termination, existing procedures for students, faculty, administrative or classified staff shall be followed. Administrators, paraprofessionals, and other college employees and agents shall be subject to discipline as deemed appropriate by the designated college officer. The affirmative action officer shall be responsible for ensuring that disciplinary actions are complied with and will report back to the designated college officer.

If the fact-finding team determines that discrimination has not occurred and that the claim is false and malicious, the claimant shall be referred to the designated college officer for possible disciplinary action.

(12) **Repeat offenses.** When an informal or formal complaint is made against someone who has been found in the past five years to have been in violation of the antidiscrimination policy, the initial procedures of this policy will commence. However, disciplinary measures chosen for repeat offenders will take into account the repeated lack of compliance by the offender and should be moved to the next level of disciplinary action.

(13) **External options.** At any point during these proceedings, the claimant may file concurrently with an outside agency. Claimants are encouraged to use the internal complaint procedures first. Students may file complaints with the Office of Civil Rights, U.S. Department of Education, 2901 Third Ave., M/S 106, Seattle, WA 98121. Employees may file complaints with the Equal Employment Opportunity Commission (EEOC), 1321 Second Avenue, 7th Floor, Arcade Plaza, Seattle, WA 98101, or the Human Rights Commission, 1515 Second Avenue, Columbia Bldg., Suite 400, Seattle, WA 98101.

Chapter 132D-315 WAC STUDENTS WITH DISABILITIES POLICY

NEW SECTION

WAC 132D-315-005 Students with disabilities policy.

(1) **Policy statement.** No student shall, on the basis of his or her disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any college program or activity. Skagit Valley College is committed to providing qualified students with a disability an equal opportunity to access the benefits, rights, and privileges of college services, programs and activities, in the most integrated setting appropriate to the student's needs, in compliance with the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and chapter 105, Laws of 1994.

Skagit Valley College is committed to providing reasonable accommodations, including core services, to qualified students with disabilities. The purpose of this policy is to identify the rights and responsibilities of students under ADA/504 and to establish clear guidelines for seeking and receiving reasonable accommodations.

To receive reasonable accommodations, students are responsible for requesting accommodations and documenting the nature and extent of their disability in a timely manner. This policy establishes the scope of and the procedures for requesting those accommodations.

(2) **Scope.** Reasonable accommodations under this policy include, but are not limited to:

(a) Academic adjustments, such as modification of academic requirements and flexibility in test-taking arrangements;

(b) Adjustments in nonacademic services and other rules; and

(c) Auxiliary aids and services.

Skagit Valley College will make those modifications to its academic requirements that:

(i) Are necessary to ensure that those requirements do not discriminate, or have the effect of discriminating, against a qualified student with a disability based on that disability; and

(ii) Do not impose an undue hardship on the college or require alteration of essential program requirements.

Appropriate academic adjustments/reasonable accommodations will be provided to qualified students with disabilities for recruitment, the application process, enrollment, registration, financial aid, course work, academic counseling, nonacademic programs and services.

Section 202 of the 1990 Americans with Disabilities Act states:

No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in or be denied the benefits of the services, programs or activities of any public entity, or be subject to discrimination by any such entity.

Section 504 of the Rehabilitation Act states:

No otherwise qualified, handicapped individual in the United States shall solely, by reasons of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

(3) **Definitions.** "Reasonable accommodations" in college programs and services, are modifications of those programs, policies, practices, and procedures that enable qualified students with a disability to have an equal opportunity to benefit from and have access to college programs and services and providing auxiliary aids and services.

"Student" is a person enrolled at the college.

A "qualified student with a disability" is one who, with or without reasonable accommodations, meets the academic and technical standards required for admission to, participation in, and/or fulfilling the essential requirements of college programs or activities.

A "student with a disability" is a student who:

(a) Has a physical, mental or sensory impairment that substantially limits one or more of his/her major life activities;

(b) Has a record of such an impairment; or

(c) Is perceived to have such an impairment.

A "learning disability specialist" is a person with a masters degree in special education/learning disabilities.

"Undue hardship" is any excessively costly, extensive, substantial or disruptive modification or one that would substantially alter the nature or operation of the institution or any of its programs or services or threaten the health or safety of the college community.

"Program accessibility" means that all programs and services, when viewed in their entirety, are accessible to persons with a disability.

PROPOSED

"Core services" are those services listed in chapter 105, Laws of 1994, that are necessary to ensure students with disabilities are reasonably accommodated at the college.

"Course substitution" is the replacement of a specific course required for a degree program with another course that measures the same learning objectives/skills as the required course.

Disabled student services office and disabled student services coordinator serve district-wide functions.

(4) **Obligations of the college.** Skagit Valley College shall:

(a) Comply with Section 504 of the Rehabilitation Act of 1973 and Section 202 of the Americans with Disabilities Act of 1990, as amended.

(b) Notify students of the college's policy of nondiscrimination on the basis of disability and of steps the student may take if he/she believes discrimination has taken place. This notice shall be included in all formal correspondence that communicates decisions or policies adversely affecting the student's status or rights with the institution of higher education. This notice shall include the phone numbers of the United States Department of Education, U.S. Office of Civil Rights, and the Washington state human rights commission.

(c) Make available to all students information on the services available to disabled students, including the name and location of the disabled student services coordinator, and the process for accessing those services.

(d) Work with the student, faculty, and staff on a case-by-case basis, to select and provide those accommodations/core services appropriate for each qualified student with a disability.

(e) Develop procedures to protect the confidentiality of information regarding the nature and extent of the documented disability.

(f) Maintain the academic integrity of its program.

(g) Not make preadmission inquiry as to whether the applicant has a disability, except as provided by law.

(h) Work collaboratively with eligible students to determine what accommodations are reasonable and appropriate. The college may require specific documentation from the student's physician to identify the accommodations that are reasonable based on the nature and extent of a student's disability.

(5) **Obligations and rights of students.** The college is obligated to provide reasonable accommodation to a qualified student with known disability. What is appropriate for a student is a case-by-case determination. A student who seeks accommodation under this policy is responsible for documenting the nature and extent of the disability. The college will work collaboratively with the student in determining the appropriate accommodations.

To ensure that needed accommodations are provided in a timely manner, the student shall:

(a) Provide timely notice and documentation of the nature and extent of the disability, and the accommodations requested, to the disabled student services coordinator. Some accommodations may require some time to arrange. Requests for accommodations should be received by the college six weeks prior to the beginning of the quarter for which the request is made, when possible. Lack of advance notice may delay the availability of an accommodation.

(b) Provide such additional documentation on the nature and extent of their disability as the college may require to determine appropriate accommodations. Such documentation may include, but is not limited to, identification of tests administered, test results, description of the covered disability, and recommended accommodations.

(c) Cooperate with the disabled student services coordinator to develop an appropriate curriculum plan and reasonable accommodations.

(d) Promptly notify the disabled student services coordinator of any problems encountered in receiving the agreed-upon accommodations.

(6) **Disabled student services office.** The disabled student services office is responsible for the coordination of services to qualified students with disabilities requiring reasonable accommodations.

The disabled student services office is committed to a reasonable approach in the identification of students with disabilities, including contacting all students who voluntarily self-identify during the college admission or orientation process.

Information regarding a disability will be kept confidential unless the student signs a release of information form.

The office will assist and advise each qualified student with a disability who requests accommodations under this policy in developing an instructional plan, identifying those reasonable accommodations appropriate for the student, and ensuring that the agreed-upon accommodations are provided.

(7) **Reasonable accommodations—Examples by categories.** The process of selecting reasonable accommodations for each qualified student with a disability shall be made on a case-by-case basis, appropriate to the nature and extent of the student's disability.

(8) **Academic modifications.** Academic modifications may include, but are not limited to:

(a) Flexibility in timeliness for completion of courses, certification, and degree requirements;

(b) Substitution of specific courses required for the completion of degrees;

(c) Adaptation of the manner in which specific courses are conducted;

(d) Flexibility in teaching methods and test-taking arrangements;

(e) Flexibility in credits required to satisfy institutional eligibility.

(9) **Auxiliary aids and services.**

(a) Flexible procedures in the admissions process, (early registration or priority registration);

(b) Qualified sign language, oral and tactile interpreters, or other technological alternatives;

(c) Access to adaptive equipment including, but not limited to TDDs, FM communicators, closed caption devices, amplified telephone receivers, closed circuit televisions, low-vision reading aids, player/recorders for 15/16 4-track tapes, photocopy machine able to use eleven-by-seventeen inch paper, braille devices and computer enhancements;

(d) Textbooks and other educational materials in alternative media, including, but not limited to large print, braille, electronic format, and audio tape;

(e) Provision of readers, notetakers, and/or proofreaders; and

(f) Release of syllabi, study guides, and other appropriate instructor-produced materials in advance of general distribution and access beyond the regular classroom session to slides, films, overheads, and other media, and taping of lectures.

(10) Access.

(a) Ongoing review and coordination of efforts to ensure campus accessibility, including barrier-free design, signage, identification of hazards of mobility barriers, maintenance of access during construction, snow and ice clearance, and adequate disability parking for all facilities;

(b) Facilitating physical access to programs and services including relocating classes, activities, and services to accessible facilities;

(c) Referral to appropriate on-campus and off-campus resources, services and agencies; and

(d) Accessibility to tutoring, mentoring, peer counseling, and academic advising, if available on campus, for students with disabilities.

(11) Procedures for course substitutions and waivers.

Policy. Skagit Valley College recognizes that certain disabilities may preclude a student from successfully completing a specific course requirement for a degree (for example, math) even with appropriate accommodations. Skagit Valley College recognizes its obligation to accommodate disabled students without compromising the integrity of the academic program.

Under the ADA, the college is not required to waive essential requirements of a student's program of instruction. Therefore, every student enrolled in a degree program at the college is required to meet the essential requirements of the degree program.

Skagit Valley College recognizes that altered methods of course delivery and/or providing core services will enable most disabled students to successfully complete course requirements, except in unusual circumstances. Therefore, disabled students will attempt to successfully complete required courses with accommodations.

If a student is unsuccessful in completing a course, that student may request course substitution under this policy. Waivers of degree program requirements will be rarely given, and then only after students have attempted, with appropriate reasonable accommodations, to meet those requirements.

(12) Procedure for requesting course substitution.

(a) Course substitutions will be approved only when such substitution is consistent with the essential degree requirements.

(b) Requests for substitution for a required course shall be considered only when a qualified student with a disability has demonstrated that, even with academic adjustments and auxiliary aids/services provided by the college, he or she is unable to successfully complete the course solely because of his/her disability.

(c) All requests for course substitution shall be submitted to the disabled student services coordinator in a timely manner and shall include the following information:

(i) A description of the accommodations previously provided to the student for the course;

(ii) An explanation of the relationship of the student's disability to the lack of success in completing the course;

(iii) The proposed substitute course, if known;

(iv) A statement by the student that he/she has made a good faith effort to complete the required course with appropriate accommodations;

(v) A statement from a medical, psychological or learning disabilities specialist who works in the field of the disability which makes this request for substitution necessary; and

(vi) A release signed by the student, authorizing the department chair, appropriate dean or associate dean, and vice-president of educational services to review the documentation on the student's disability and to contact the evaluating doctor, psychologist, or learning disabilities specialist.

(d) The disabled student services coordinator shall forward the request, with documentation through the appropriate approval process as designated below.

(13) Waiver/substitution committee.

(a) All requests for course substitutions/waivers shall be submitted through Skagit Valley College's formal waiver process. This process consists of obtaining approval from the appropriate department chair, dean or associate dean and the vice-president of educational services.

(b) Request for a course substitution shall be approved if the proposed substitution meets the learning objective of the degree requirement.

(c) The appropriate dean or associate dean shall respond in writing to all requests for course substitutions within two weeks of receiving the request. The response shall include a brief summary of the basis for the decision.

(14) Waiver of degree requirements. Requests for waiver of a program requirement will only be considered when the course substitution is not successful. The waiver request shall be considered in the same manner as provided above.

(15) Reasonable accommodation—disputes.

(a) If a student believes that the disabled student services coordinator has not identified or provided reasonable academic adjustments or auxiliary aids, that student may seek review of the coordinator's actions by the dean of guidance and special populations.

(b) The student will submit the appeal to the dean of guidance and special populations. The dean will review the student's position, and respond within five days.

(c) If resolution is not reached the dean will refer the appeal to the formal grievance process.

(d) The decision of the grievance committee is the final decision of the institution.

**WSR 95-19-081
PROPOSED RULES
SHORELINE COMMUNITY COLLEGE**

[Filed September 19, 1995, 9:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-15-016.

Title of Rule: Refund of tuition and fees, WAC 132G-160-075.

Purpose: To establish rules concerning refunds of tuition and fees.

Statutory Authority for Adoption: RCW 34.05.320.

Reasons Supporting Proposal: Conform to Bill [SB] 6002 which references the need for college boards to establish rules concerning refunds.

Name of Agency Personnel Responsible for Drafting: David Minger, 2122, (206) 546-4581; Implementation and Enforcement: Jim Perez, 2101, (206) 546-4642.

Name of Proponent: Shoreline Community College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule is proposed to conform to Bill [SB] 6002, signed by the governor on April 13, 1995, which references the need for college boards to establish rules ... concerning refunds. This rule sets a policy for student refunds of tuition and fees and delegates authority and responsibility to develop, maintain, and implement procedural guidelines.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no anticipated economic impact on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Section 201 (5)(b)(iii) states "Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies...if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule..." As we are filling this proposed rule to conform to Bill [SB] 6002, the above stated section would indicate section 201, chapter 403, Laws of 1995, would not apply to this rule adoption.

Hearing Location: Board Room, Shoreline Community College, 16101 Greenwood Avenue North, Seattle, WA 98133, on November 2, 1995, at 2:00 p.m.

Assistance for persons with disabilities: Contact Jim Perez by October 30, 1995, TDD (206) 546-4520, (206) 546-4642.

Submit Written Comments to: Jim Perez, Vice-President for Student Services, FAX (206) 546-5826, by October 30, 1995.

Date of Intended Adoption: November 2, 1995.

September 7, 1995

Jim Perez

Vice-President for
Student Services

NEW SECTION

WAC 132G-160-075 Refund of tuition and fees. It shall be the policy of Shoreline Community College that students shall receive refunds of tuition and fees in a fair and equitable manner in accordance with policy expressed in state law. Further, all applicable federal laws and regulations will be observed and implemented when doing so is necessary to maintain eligibility for federal funding of programs, as allowed by state law.

The board delegates to the president of the college or his/her designee(s) the authority and responsibility to develop, maintain, and implement procedural guidelines to effectuate this policy.

WSR 95-19-089 WITHDRAWAL OF PROPOSED RULES PARKS AND RECREATION COMMISSION

[Filed September 20, 1995, 9:33 a.m.]

The Washington State Parks and Recreation Commission hereby withdraws the proposed amendment to WAC 352-32-010, 352-32-030, 352-32-050, and 352-32-085 filed as WSR 95-16-127 on August 2, 1995.

Sharon Howdeshell
Office Manager

WSR 95-19-090 PROPOSED RULES PARKS AND RECREATION COMMISSION

[Filed September 20, 1995, 9:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-16-111.

Title of Rule: Chapter 352-12 WAC, Moorage and use of marine facilities, chapter 352-32 WAC, Public use of state park areas, chapter 352-37 WAC, Ocean beaches, chapter 352-68 WAC, Water trail programs, chapter 352-74 WAC, Filming within state parks.

Purpose: These rules identify fees that the public must pay to use facilities and services of state parks.

Statutory Authority for Adoption: RCW 43.51.040, [43.51.]060.

Statute Being Implemented: RCW 43.51.040, [43.51.]060.

Summary: This action removes specific fees from WAC and states that the commission will publish fees for public information.

Name of Agency Personnel Responsible for Drafting and Implementation: Rex Derr, 7150 Cleanwater Lane, Olympia, 98504, (360) 902-8606; and Enforcement: Park Rangers, state parks throughout the state.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules specify fees that are charged for use of state park facilities, land, programs and services. The modification of this rule eliminates the specific fees from the WAC and requires state parks to publish the fees for public information.

Proposal Changes the Following Existing Rules: It eliminates specific state park fees from WAC and requires state parks to publish fees for public information.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Exempt under chapter 19.85 RCW.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is not a significant legislative rule.

Hearing Location: Quality Inn, 700 Port Drive, Clarkston, WA 99403, on October 27, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Marian Gallagher by October 16, 1995, TDD (509) 664-3162, or (509) 662-0420.

Submit Written Comments to: Rex Derr, P.O. Box 42650, Olympia, WA 98504-2650, FAX (360) 586-5875, by October 20, 1995.

Date of Intended Adoption: October 27, 1995.

September 19, 1995

Sharon Howdeshell

Office Manager

AMENDATORY SECTION (Amending WSR 93-08-025, filed 3/30/93, effective 5/1/93)

WAC 352-12-020 Moorage fees. (1) Vessels moored between 3 p.m. and 8 a.m. at those facilities designated by the ~~((commission))~~ director shall be charged ~~((a))~~ the nightly moorage fee published by state parks during the period May 1 through September 30, inclusive ~~((, according to the following schedule:~~

~~((a)) Vessels twenty six feet in length, and over, \$11.00 per night;~~

~~((b)) Vessels under twenty six feet in length, \$8.00 per night):~~ *Provided, however,* This fee shall be applicable all year at Blake Island, Cornet Bay, Fort Worden, Jarrell Cove, and Mystery Bay State Parks ~~((;~~

~~((c)) Vessels moored to state park buoys, \$5.00 per night):~~ *Provided further,* Vessels properly displaying a valid annual permit shall not be charged a nightly moorage fee: *Provided further,* There shall be no moorage fee for any vessel riding on its own anchor: *Provided further,* There shall be no charge for temporary moorage for the purpose of loading or unloading a vessel, such temporary moorage shall be limited to thirty minutes.

(2) A vessel rafted to another vessel shall be charged the appropriate moorage fee based on that vessel's own length.

(3) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 93-08-025, filed 3/30/93, effective 5/1/93)

WAC 352-12-030 Annual moorage permits. (1) Annual moorage permits may be obtained for the period January 1 through December 31, inclusive. Application for such permits may be obtained from most state park managers, or by writing to the Commission Headquarters, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650.

(2) Annual moorage permits will be issued for a particular vessel. The charge for such permits will be based upon the length of the vessel for which the permit is issued and will be published by state parks. ~~((Annual permits for vessels twenty six feet in length and over shall cost \$55.00; for vessels under twenty six feet in length shall cost \$35.00; Provided, however, Effective January 1, 1994, the permit for vessels twenty six feet in length and over shall cost \$80.00 and for vessels under twenty six feet in length shall cost \$50.00.))~~

(3) Annual permits shall be visible from outside the vessel, and permanently affixed to the lower left corner of the vessel's left (port) forward windshield, or if not equipped with a windshield, to the left (port) outside transom, or if a sailboat, on the forward portion of the left (port) cabin trunk.

(4) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-12-040 Use of onshore campsites. If any person or persons from a vessel moored at a state park marine facility also occupies any designated campsite onshore, the appropriate fee for such campsite(s) ~~((established in WAC 352-32-250))~~ shall be paid in addition to any moorage fee ~~((provided for herein))~~ charged pursuant to this chapter as published by state parks. Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 95-07-061, filed 3/13/95, effective 4/13/95)

WAC 352-32-010 Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated:

"Boat launch" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-born or trailer-born watercraft into or out of the water.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Camping unit" shall mean a group of people (one or more persons) that is organized, equipped and capable of sustaining its own camping activity.

"Commission" shall mean the Washington state parks and recreation commission.

"Day area parking space" shall mean any designated parking space within any state park area designated for daytime vehicle parking.

"Director" shall mean the director of the Washington state parks and recreation commission.

"Emergency area" is an area in the park separate from the designated overnight camping area, which the park manager decides may be used for camping ~~((between the hours of 9 p.m. and 8 a.m.))~~ when no alternative camping facilities are available within reasonable driving distances.

"Environmental interpretation" shall mean the provision of services, materials, publications and/or facilities, including environmental learning centers (ELC), for other than basic access to parks and individual camping, picnicking, and boating in parks, that enhance public understanding, appreciation and enjoyment of the state's natural and cultural heritage through agency directed or self-learning activities.

"Environmental learning centers (ELC)" shall mean those specialized facilities, designated by the director, designed to promote outdoor recreation experiences and environmental education in a range of state park settings.

"Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for

the use of organized groups. Facilities and extent of development vary from park to park.

"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

"Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

"Overflow area" shall mean an area in a park separate from designated overnight and emergency camping areas, designated by the park manager, for primitive camping to accommodate peak camping demands in the geographic region.

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials except for the pilot's harness and fasteners. The term "paraglider" shall not include hanggliders or parachutes.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Popular destination park" shall mean any state park designated by the director as a popular destination park because, it is typically occupied to capacity by Thursday or Friday night during the high use season and the typical park user plans to stay more than one night.

"Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

"Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 43.51.170, and shall include the park manager in charge of any state park area.

"Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary

character is not recreational. "Residence" is characterized by one or both of the following patterns:

Camping at a given park for more than twenty days within a thirty-day time period May 1 through September 30; or thirty days within a sixty-day time period October 1 through April 30. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights May 1 through September 30 and fifteen consecutive nights October 1 through April 30 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

"Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal ~~((and)),~~ flush comfort station and picnic table. ~~((Each campsite includes a camp stove and picnic table.))~~

"State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 43.51.655 and as regulated under chapter 352-36 WAC.

"Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

"Upland" shall mean all lands lying above mean high water.

"Utility campsite" shall mean a standard campsite with the addition of electricity and which may have domestic water and/or sewer.

"Water trail advisory committee" shall mean the twelve-member committee constituted by RCW 43.51.456.

"Water trail camping sites" shall mean those specially designated group camp areas identified with signs, that are near water ways, and that have varying facilities and extent of development.

AMENDATORY SECTION (Amending WSR 94-23-024, filed 11/7/94, effective 1/1/95)

WAC 352-32-030 Camping. (1) Camping facilities of the state parks within the Washington state parks and recreation commission system are designed and administered specifically to provide recreational opportunities for park visitors. Use of park facilities for purposes which are of a nonrecreational nature, such as long-term residency at park

facilities, obstructs opportunities for recreational use, and is inconsistent with the purposes for which those facilities were designed.

No person or camping unit may use any state park facility for residence purposes, as defined (WAC 352-32-010(17)).

(2) No person shall camp in any state park area except in areas specifically designated and/or marked for that purpose or as directed by a ranger.

(3) Occupants shall vacate camping facilities by removing their personal property therefrom prior to ~~((3:00))~~ 1:00 p.m., (or other appropriate, established time in parks where camping is reserved) if the applicable camping fee has not been paid or if the time limit for occupancy of the campsite has expired or the site is reserved by another party. Remaining in a campsite beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

(4) Use of utility campsites by tent campers shall be subject to payment of the utility campsite fee except when otherwise specified by a ranger.

(5) A campsite is considered occupied when it is being used for purposes of camping by a person or persons who have paid the camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system. No person shall take or attempt to take possession of a campsite when it is being occupied by another party, or when informed by a ranger that such site is occupied, or when the site is posted with a "reserved" sign. In the case of a reserved site, a person holding a valid reservation for that specific site may occupy it according to the rules relating to the reservation system for that park. In order to afford the public the greatest possible use of the state park system on a fair and equal basis, campsites in those parks not on the state park reservation system will be available on a first-come, first-serve basis. No person shall hold or attempt to hold campsite(s), for another camping unit for present or future camping dates, except as prescribed for multiple campsites. Any site occupied by a camping unit must be actively utilized for camping purposes.

(6) One person may register for one or more sites within a multiple campsite by paying the multiple campsite fee ~~((WAC 352-32-250(6)))~~. Registration preference will be given to multiple camping units who want to use multiple sites. An individual may register and hold a multiple campsite for occupancy on the same day by other camping units. Multiple campsites in designated reservation parks are reservable under the reservation system.

(7) In order to afford the general public the greatest possible use of the state park system, on a fair and equal basis, and to prevent residential use, continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights in one park, after which the camping unit must vacate the site for three consecutive nights, May 1 through September 30, not to exceed twenty days in a thirty-day time period; and fifteen consecutive nights in one park, after which the camping unit must vacate the site for three consecutive nights, October 1 through April 30, not to exceed thirty days in a sixty-day time period. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and 352-32-285.

(8) Only one camping unit with a maximum of eight people shall be permitted at a campsite, unless otherwise authorized by a ranger. The number of vehicles occupying a campsite shall be limited to one car or one recreational vehicle: *Provided*, That one additional vehicle without built-in sleeping accommodations may occupy a designated campsite when in the judgment of a ranger the constructed facilities so warrant. The number of tents allowed at each campsite shall be limited to the number that will fit on the designated or developed tent pad as determined by a ranger.

(9) Persons traveling by bicycles, motor bikes or other similar modes of transportation and utilizing campsites shall be limited to eight persons per site, provided no more than four motorcycles shall occupy a campsite.

(10) Water trail camping sites are for the exclusive use of persons traveling by human and wind powered beachable vessels as their primary mode of transportation to the areas. Such camping areas are not subject to the campsite capacity limitations as otherwise set forth in this section. Capacities for water trail camping sites may be established by the ranger on an individual basis and are subject to change based upon the impacts to the area. All persons using water trail camping sites shall have in their possession a valid water trail permit.

(11) Emergency camping areas ~~((set aside in certain state parks))~~ may be used only when all designated campsites are full ~~((but may not be used prior to 9:00 p.m.))~~ and at the park manager's discretion. Persons using emergency areas must pay the ~~((standard))~~ primitive campsite fee and must vacate the site ~~((by 8:00 the following morning))~~ when directed by the park manager.

(12) Designated overflow camping areas may be used only when all designated campsites in a park are full and the demand for camping in the geographic area around the park appears to exceed available facilities. Persons using overflow camping areas must pay the primitive campsite fee. If a nearby flush comfort station is available, persons using overflow camping areas must pay the standard campsite fee.

(13) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 95-07-061, filed 3/13/95, effective 4/13/95)

WAC 352-32-037 Environmental learning centers.

(1) All ELCs are reservable by ~~((contacting Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, WA 98504))~~;

(1) Complying with the reservation procedure; and

(2) Paying the appropriate fees and deposits both of which are published by state parks.

Use of ELCs shall be on a first-come-first-served basis if the facility is not reserved.

~~((2) Applications for overnight use of an ELC by any user group, for a maximum of seven consecutive days, during the period from Memorial Day to Labor Day, inclusive (summer season), shall be filed with the ELC reservation office by September 8th of the year next preceding the summer season for which the reservation application is made. As many applications as are desired may be filed.~~

Applications thus submitted by September 8th will be confirmed (and a permit issued) or denied.

In the event of more than one application for the same dates and ELC, the following priorities, in order, shall be observed:

(a) ~~The group which does not already have a confirmed reservation for the ELC.~~

(b) ~~The group which has utilized the ELC for the greatest number of consecutive preceding years immediately prior to the year presently being scheduled.~~

(c) ~~The group which has utilized the ELC the greatest number of previous years.~~

(d) ~~The group which has utilized the ELC the greatest number of times (during the summer months).~~

Applications received after September 8th will be considered on a space available basis.

(3) ~~A facility use fee schedule is available by contacting the ELC Reservation Office, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504 2650.)~~

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 94-23-024, filed 11/7/94, effective 1/1/95)

WAC 352-32-045 Reservations for use of designated group facilities. (1) All designated group facilities shall be reservable by groups. A group is defined as 20 or more people engaged together and commonly in outdoor recreation at one park location.

(2) All designated group facilities shall have a predetermined use capacity. No group exceeding this capacity in number shall use these areas. Groups making reservations shall be charged the applicable group fee for the minimum of 20 people, if less than that number actually use the group facility.

(3) Use of designated group facilities may be by reservation. Requests made at the park for reservations for groups of 20 to 250 shall be made 15 days in advance and for groups in excess of 250 shall be made 30 days in advance of the proposed use date, using the group use permit. All conditions outlined on the group use permit shall be binding on the group.

(4) ~~((For use of these facilities))~~ Submittal of the group use permit request, payment of appropriate fees, which may include a nonrefundable reservation transaction fee, a first day/night use fee and a damage deposit ~~((will be))~~ are required for the use of these facilities. ~~((Fees are specified in WAC 352-32-250. Payment of the fee must be made with the submission of the group use permit request.))~~ Fees are published by state parks. In those cases where the fee is submitted at a later date, it must be paid by certified check, bank money order, or postal money order. Refunds will be made only to those groups which cancel their reservations thirty or more days before the effective date of the reservations.

(5) For overnight group use, parking will be in the provided, defined areas. If additional parking is required, it may be available in the park's extra vehicle parking facility

following the payment of the appropriate extra vehicle parking fee.

(6) A damage deposit may be required by the park manager as part of the reservation. In those cases where the deposit is submitted at a date later than the reservation request, it must be paid by certified check, bank money order, or postal money order. This deposit shall be held by the Washington state parks and recreation commission to encourage the cleanliness and good order of the group facility. Deposits are ~~((specified in WAC 352-32-250))~~ published by state parks with the schedule of fees. Refund of this deposit shall be determined after an inspection of the area by a ranger and the individuals responsible for the group.

(7) Facility reservations made at the park will be accepted for the calendar year, on or after the first working day in January of that calendar year. Reservations shall be made by a person of the age of majority, who must be in attendance during the group's activities. Reservations at the parks will be accepted in writing, in person, or by phone at the discretion of the park manager. In person and phone reservation requests shall only be accepted during normal park operation hours. All reservation requests will be processed in order of arrival. Group facility areas not reserved are available on a first-come, first-serve basis.

(8) Any group wishing to sell or dispense alcoholic beverages must request and obtain all appropriate licenses and permits. In order to sell alcoholic beverages, the group must obtain a temporary concession permit from the headquarters office of the Washington state parks and recreation commission.

(9) It shall be within the authority of the park manager, or his representative, to rescind the rights of a reservation, and remove from the park, any or all members of the group whose behavior, at any time, is in conflict with any state laws, becomes detrimental to the health and safety of the group or other park users, or becomes so unruly as to affect the reasonable enjoyment of the park by other park users.

AMENDATORY SECTION (Amending Orders 89-01 and 89-01-A, filed 3/7/89 and 3/22/89)

WAC 352-32-047 Special recreation event permit. Any person or group, hereinafter referred to as the "applicant," desiring to make use of a portion of a state park for a special recreation event which will require special planning, facilities, staffing, or environmental protection measures, or the closure of the area to, or restriction of, established recreational uses, shall apply for a special recreation event permit. The director or designee may consult with the appropriate local government in reviewing the application and may issue a permit according to the criteria listed below. The permit may set forth certain conditions including but not limited to the closure of the specified area to other recreational activities, including motor vehicle traffic, which are determined to have the potential to interfere with the event or which could risk the safety of the recreating public or the special event participants. However, no such permit may result in the unreasonable exclusion of recreationists from the remainder of the park. All events authorized under this permit shall be open to public participation and/or observation at the option of the applicant.

In determining whether to issue the permit, the director or designee will review the proposal for consistency with the following criteria:

- (1) The event is consistent with activities that are appropriate for a specific park classification;
- (2) The event will not exceed nor damage facilities or resources or interfere with park operations;
- (3) The event will not disrupt wildlife;
- (4) Past experience has not shown that the applicant has failed to comply with laws or regulations or satisfactory conduct of a previous event;
- (5) The event does not present a clear and present danger to the public health and safety;
- (6) A prior applicant for another event for the same general time and place;
- (7) The event will not unreasonably conflict with all park user's recreational pursuits;
- (8) The event will conform with all of the applicable statutes, rules, policies, and procedures of the commission and instructions of the commission staff who supervise the event.

A special recreation event permit shall be issued only for recreational events where there is a reasonable expectation that a minimum of twenty persons will participate. The event must be oriented towards a recreational pursuit. Not more than three permits will be issued to a given applicant for a similar event at the same park during a one-year period.

Persons or organizations that desire to conduct a special recreation event in a state park shall submit a permit application obtainable at any state park and the basic permit application fee (~~of ten dollars~~) as published by state parks to the park where the event is proposed to take place.

Such application shall be submitted at least thirty days in advance of the proposed date of the event, to allow, where applicable, for necessary internal review and analysis, consultation with local governments, public notice, establishment of permit conditions, and required agency preparations and coordination. The director or designee shall approve or disapprove a permit application and establish the conditions for an approved application. The permittee must pay any fees published by state parks for the use of park lands or facilities. The director or designee shall determine the need for any fees necessary to cover costs incurred by the agency for additional staffing, equipment, facilities, or special services not normally provided by state parks, as well as the need for any bond, damage deposit, or liability insurance arising from any potential hazards associated with the conduct of the event. Any such fees, bond, damage deposit, or liability insurance shall be provided by the applicant prior to the issuance of the permit.

If additional unanticipated costs are incurred by the commission resulting from the event, the applicant shall reimburse the commission for such costs in a timely manner. If the additional costs are not paid, the director may recover such costs from the bond or damage deposits provided. Any funds remaining from the bond or damage deposit shall be returned to the applicant.

AMENDATORY SECTION (Amending Order 102, filed 11/24/87)

WAC 352-32-165 Public assemblies, meetings. (1) Public assemblies are permitted in state park areas on grounds which are open to the public generally, provided a permit therefor has been issued as herein provided.

(2) An application for such a permit may be submitted on such forms as may be provided by the commission, or in any written form so long as the permit application sets forth the following:

- (a) Name, address and phone number of the applicant;
- (b) Date, time, duration, nature and place of the proposed event, including a description or schedule of events and activities;
- (c) Estimate of the number of persons expected to attend including the basis for the estimate;
- (d) Special equipment, including temporary structures such as speakers' stands, platforms, lecterns, chairs, benches or the like, and any sound amplification equipment to be used in connection with the event;
- (e) Special facilities, including emergency first aid, additional sanitation and refuse collection facilities, to be used in connection with the event;
- (f) Crowd control to be provided by the event sponsor;
- (g) Designation of a responsible contact individual with whom park officials may coordinate event activities, plans and preparations.

(3) The equipment and facilities referenced in subsection (2)(d) and (e), of this section, are to be provided by the event sponsor, unless other mutually satisfactory arrangements are made to use locally available commission owned equipment and facilities.

(4) The applicant must supply satisfactory evidence of arrangements for such equipment, facilities, and crowd control.

(5) The applicant must submit a completed environmental checklist along with the application. Environmental checklists are available at libraries, city planning offices, state parks, and similar outlets. Upon request, the agency will assist the applicant in completing the environmental checklist.

(6) It is recommended that permit applications be submitted at least fifteen days in advance of the proposed event so that the information supplied in the application may be verified and so that the agency can notify and coordinate action with officials of other jurisdictions and agencies responsible for health, safety and welfare.

(7) The permit application must be submitted along with a (~~ten dollar~~) nonrefundable permit fee as published by state parks to the director of the Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, Washington 98504. The director, or his or her designee, may issue a permit consistent with the application, or otherwise modified in a manner which is acceptable to the applicant. The director will issue a permit on proper application unless:

- (a) A prior application for the same time and place has been made which has been or will be granted; or
- (b) The event will present a clear and present danger to the public health or safety; or

(c) The event is of such nature or duration that it cannot reasonably be accommodated in the particular park area applied for. In considering this, the director shall take into account the potential for significant environmental impact.

(8) All permit applications shall be deemed granted if not denied or otherwise conditioned or limited as herein specified, and the applicant advised of such action by written notification mailed, first-class postage prepaid, within ten days of receipt of the application. The granting of this permit does not exempt the applicant from complying with other state, county or local permit requirements nor does it excuse compliance with the State Environmental Policy Act, where applicable. A threshold determination will be made by the agency to determine potential environmental impact. Applicants should be aware that timelines may exist under the state Environmental Policy Act and implementing regulations which are independent of this permit requirement.

(9) All permit denials will be in writing, will contain a statement of the specific reasons for the denial, and will advise the applicants of the right to request judicial review of the denial as provided in subsection (11) of this section.

(10) A permit issued by the director may contain such conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is maintained. It may also contain reasonable limitations on the time and area within which the event is permitted.

(11) Applicants whose permit application is denied may in writing request that the commission seek judicial review of the denial, in which event the commission shall timely seek a declaratory judgment pursuant to the Uniform Declaratory Judgment Act, chapter 7.24 RCW, and Superior Court Rule 57, in the superior court for Thurston County. Such requests shall be mailed, or otherwise delivered to the Director, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, Washington 98504.

AMENDATORY SECTION (Amending WSR 94-16-026, filed 7/25/94, effective 8/25/94)

WAC 352-32-195 Solicitation. Except as may be otherwise allowed in connection with a permit issued under WAC 352-32-165 or 352-32-047, or a cooperative agreement pursuant to RCW 43.51.060(2), no person shall engage in (~~commercial~~) solicitation, or sell or peddle any services goods, wares, merchandise, liquids, or edibles for human consumption in any state park area, except by concession or permit granted by the commission. Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 95-07-061, filed 3/13/95, effective 4/13/95)

WAC 352-32-250 Standard fees charged. (~~The following~~) Fees shall be charged in (~~all~~) parks operated by the Washington state parks and recreation commission for use of lands, facilities, programs, services, and materials as published by state parks. *Provided, however,* That the director has the authority to discount fees to a maximum of 50% below the published fee amounts (~~listed or referenced in this section~~) in order to take advantage of marketing opportunities to encourage use and increase revenues. Any such discounts shall be effective for a limited period of time

less than one year in duration. The director may consider the following factors in discounting fees:

- Prevailing rates for comparable facilities;
- Day of the week;
- Season of the year;
- Amenities of the park area and site;
- Demand for facilities; and

Such other considerations as the director deems appropriate. The director may also waive fees for marketing or promotional purposes or to redress visitor complaints, provided, however, that annual fees may not be waived.

(1) (~~Overnight camping - standard campsite: \$10.00 per night;~~) The director may authorize reciprocity with other state or federal agencies for the use of annual permits of like services, provided, that Washington licensed vehicles and/or residents shall be required to have and/or display the appropriate Washington permit;

(2) Overnight camping - standard campsite; utility campsite(= \$15.00 per night.); emergency campsite; overflow campsite; primitive campsite for nonmotorized vehicle; primitive campsite for motorized vehicle - fees will be charged as published by state parks. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger(~~The electrical hookup surcharge reference in WAC 352-32-252(3) shall be \$3.00 per night;~~);

(3) (~~Overnight camping - primitive campsite: \$5.00 per night for nonmotorized vehicle and \$7.00 per night for motorized vehicle;~~

(4) ~~Reservation fee: As specified in WAC 352-32-035;~~

(5) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite;

(~~6~~) (4) Group camping area - certain parks: (~~\$1.00 per person for groups of 20 or more per day and/or night; nonrefundable reservation/registration fee - \$25.00-;~~) Individual camping units using these facilities must pay the primitive campsite fee or other appropriate fee based on facilities available;

(~~7~~) (5) Environmental interpretation(=);

(a) Service fees will be established by the director in order to recover, to the maximum extent practicable, all direct and indirect costs of environmental interpretation services on a program-wide basis based on anticipated attendance.

(b) Material and publication fees will be established by the director. All material and publication fees will be deposited in the parks improvement account to be used for purposes specified in RCW 43.51.052.

(c) Facility use, including environmental learning center fees, will be established by the commission. A facility use fee schedule is available by contacting Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650;

(~~8~~) Hot showers: \$.25 for a maximum of six minutes shower time;

(9) Electric stoves: \$.25 for thirty minutes cooking time;

~~((40))~~ (6) Adirondacks - not to include those located in ELC areas: ~~((Same as fee charged for full utility campsites.))~~ Occupancy shall be limited to the number of built-in bunks provided;

~~((11))~~ (7) Extra vehicle overnight parking fee ~~((= \$5.00 per night))~~ will be charged for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: *Provided*, An extra vehicle overnight parking fee shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

~~((12))~~ Marine park moorage facilities — see WAC 352-12-020 and 352-12-030;

~~((13))~~ Overnight camping — emergency camp area: The fee shall be the standard campsite fee.

~~((14))~~ (8) Unattended vehicle overnight parking permit: ~~((= \$5.00 per night per vehicle.))~~ Unoccupied vehicles parked overnight in designated areas must register and pay the nightly permit fee. The permit must be prominently displayed in the vehicle;

~~((15))~~ (9) Boat launch permit fee - ~~((= \$4.00 per day per watercraft for use of all designated boat launches with hard surface ramps, maintained bathrooms, parking areas, and docking facilities. \$3.00 per day per watercraft for use of all other designated boat launches with hard surface ramps))~~ charged according to facilities provided. Boat launch permit shall not be required for:

(a) Vehicles registered for camping or overnight mooring in the park containing the boat launch area;

(b) Vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park;

(c) Vehicles of persons holding limited-income senior citizen, disability or disabled veteran passes;

(d) Vehicles displaying a valid annual boat launch permit;

~~((16))~~ (10) Annual boat launch permit ~~((fee = \$40.00 per boat launching vehicle per calendar year.))~~ valid January 1 - December 31 at any launch designated by the commission. Permit must be displayed as instructed on permit backing;

~~((17))~~ (11) Trailer dump station fee - ~~((= \$3.00 per use.))~~ Fee shall not be required for registered camping vehicles in the park containing the dump station;

~~((18))~~ (12) Popular destination park ~~((fee = \$1.00))~~ — a surcharge will apply for use of standard or utility campsite located in a popular destination park during ~~((the))~~ such periods ~~((of April 1 through September 30))~~ as the director may specify;

~~((19))~~ (13) Water trail site permits -

(a) Unlimited use within the calendar year, annual fee to be set by the director after consultation with the water trail advisory committee, based on a cumulative charge of \$1.00 per site available for public use at the start of the calendar year;

(b) One day/night use within the calendar year, annual fee to be set by the director after consultation with the water trail advisory committee, based on a cumulative charge of \$.35 per site available for public use at the start of the calendar year;

(c) For children under 13 years of age the permits shall be issued at no cost;

(d) Water trail permits issued to persons by another state or Canadian province will be honored provided that a similar reciprocal provision for Washington water trail permit holders is issued by that state or province;

(e) Water trail permits will be issued to holders of Washington state parks passes (WAC 352-32-251) for the applicable discounts;

~~((20))~~ (14) A surcharge ~~((of \$5.00))~~ per collection shall be assessed for any staff collected fee at a self-registration overnight facility;

~~((21))~~ (15) Group day use facilities - a minimum daily permit fee ~~((of fifty dollars))~~ will be charged for groups of 20 ~~((to 50 persons, plus additional fifty dollar increments as the group increases by increments of 50 people))~~ or more;

~~((22))~~ Group facilities deposit — for groups of 20 to 50 persons, this deposit shall be \$50. For groups of 51 to 100 persons, this deposit shall be \$100. For groups of 101 to 500 persons, this deposit shall be \$250. For groups in excess of 500, this deposit shall be \$500;

~~((23))~~ Fort Worden recreational and conference center — see WAC 352-32-25001 and 352-32-25002;

~~((24))~~ Filming within state parks — see chapter 352-74 WAC.

~~These))~~ (16) Reservation transaction - fee will be charged as published by state parks;

(17) Moorage facilities - fee will be charged as published by state parks;

(18) Hot showers, electric stoves - fees will be charged as published by state parks. Fees published by state parks do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

AMENDATORY SECTION (Amending WSR 95-03-005, filed 1/5/95, effective 2/5/95)

WAC 352-32-25002 Campsite and rally area reservations—Fort Worden State Park. (1) Advance individual campsite reservations will be available at Fort Worden State Park. They may be made throughout the year for no more than ten consecutive nights within the current and first succeeding calendar month, except that a continuous reservation may carry from the end of the first succeeding month into the beginning of the next succeeding month. Reservations may be made by mail, or in person, at Fort Worden State Park, and will require a completed application, the first night's camping fee and the nonrefundable reservation transaction fee ~~((provided for in WAC 352-32-035))~~ published by state parks. Mail-in reservations will be processed in the order that they are received. Reservation requests postmarked earlier than the twentieth day of the preceding month will be returned to the sender. Reservation of campsites will not be accepted by telephone. Walk-in reservations will be accepted beginning the first day of the current month for the current month and the first succeeding month. During the period from the Friday before Memorial Day through Labor Day an individual may reserve no more than ten campsites for use at the same time, and, may reserve campsites for no more than ten nights in each calendar month. Other state parks are subject to continuous occupancy rules provided for in WAC 352-32-030(6).

(2) Reservations for a specific campsite will not be guaranteed.

A refund of the first night's camping fee will be issued for any reservation which is not used, provided a cancellation request is made in person, by mail, or by telephone prior to 5:00 p.m. on the first day of the reservation. Campers will be declared no-show and, in addition to the nonrefundable reservation fee, will forfeit their reservation as well as the first night's camping fee if they have not cancelled and if the reservation is not claimed by 8:00 a.m. on the day after the confirmed arrival date.

(3) Campers who arrive at the park without a reservation may use unreserved campsites for up to ten consecutive nights during the period from May 1 through September 30 and fifteen consecutive nights during the period from October 1 through April 30, beginning the day of arrival, on a first-come-first-served basis, without paying a reservation fee.

(4) Advance reservations will be available for groups of self-contained recreational vehicles in the Fort Worden State Park rally area. The group must have a minimum of ten recreational vehicles and may not exceed two hundred recreational vehicles. Rally area reservations may be made by contacting Fort Worden State Park.

AMENDATORY SECTION (Amending WSR 94-08-036, filed 3/31/94, effective 5/1/94)

WAC 352-32-252 Off-season senior citizen pass—

Fee. (1) Persons who are senior citizens, are at least sixty-two years of age, and have been residents of Washington state for at least one year shall, upon application to the commission, receive an off-season senior citizen pass which entitles the holder and the holder's camping unit to camp at any camping areas made available by the commission, as well as use of agency mooring facilities, at no cost beyond the charges provided for in subsection (3) of this section, effective October 1 through March 31, and Sunday through Thursday nights in April as determined by the director and posted. Each such pass shall be valid only during one off-season period.

(2) Applications for off-season senior citizen passes shall be made on forms prescribed by the commission and shall be accepted only after August 1 for the following off-season period.

(3) ~~((The))~~ There shall be a fee for each off-season senior citizen pass ((shall be \$20.00, except)). Limited income senior citizen pass holders ((who)) may purchase the off-season pass at a 50% discount. A surcharge equal to the fee for an electrical hookup ((established in WAC 352-32-250)) published by state parks shall be assessed for each night an off-season senior citizen pass holder uses a campsite with an electrical hookup.

(4) For pass holders who travel by car or recreational vehicle a camping unit shall include the pass holder and up to seven guests of the holder who travel with the holder and use one campsite or portion of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping unit of a holder at one campsite or portion of a designated group camping or emergency area, when in the judgment of a

ranger, the constructed facilities so warrant and the total number of guests of the holder do not exceed seven.

(5) For pass holders who travel by a mode of transportation other than car or recreational vehicle a camping unit shall include the pass holder and up to five guests who travel with the holder and use one campsite or portion of a designated group camping or emergency area.

(6) If a pass holder changes residency to a place outside Washington state during the time period when a pass is valid, the pass holder shall return the pass to the commission.

AMENDATORY SECTION (Amending WSR 94-08-036, filed 3/31/94, effective 5/1/94)

WAC 352-32-255 Self-registration. In those parks so posted by the commission, park visitors shall register for the use of facilities and shall pay the appropriate fee, ~~((as provided for herein))~~ on a self-registration basis, in accordance with all posted instructions. Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 60, filed 4/14/82)

WAC 352-32-280 Applicability of standard fees. The ~~((standard))~~ fees ~~((set forth in WAC 352-32-250))~~ published by state parks pursuant to RCW 43.41.060(6), shall not apply in the following circumstances:

(1) Whenever fees are charged by a concessionaire pursuant to a valid concession agreement granted by the commission pursuant to RCW 43.51.040(5).

(2) Whenever fees are established pursuant to a development or management plan authorized or directed to be prepared by the legislature or state agency other than the commission, as, for example the Fort Worden State Park development and management plans.

(3) Whenever any law enforcement officer occupies a campsite if the following conditions are met.

(a) The law enforcement officer's authority is effective in the geographic area where the campsite is located.

(b) The park manager, or his representative, has determined that the officer's police powers may be useful in maintaining a peaceful environment in the park.

(c) The officer agrees to act in his official capacity if requested by park staff.

(4) Whenever any improvement club or voluntary association, or committees representing such clubs or associations, acting pursuant to the commission's permission granted pursuant to RCW 43.51.130 - 43.51.160, utilizes any park facilities. Continuous occupancy of facilities by the same person or persons qualifying under this sub-section shall be limited to 30 consecutive nights, unless otherwise approved by the director.

(5) Whenever any individual, appointed by a court of law to perform work in a park in lieu of other sentencing, utilizes any park facilities.

(6) Whenever any individual utilizes any park facility in accordance with the terms of any contract, lease, or concession agreement, with the commission.

The limit placed on any camper by WAC 352-32-030(5) shall not apply to persons qualifying under this section.

AMENDATORY SECTION (Amending WSR 93-06-001, filed 2/17/93, effective 3/20/93)

WAC 352-32-285 Applicability of standard fees to volunteers in parks. The ~~((standard))~~ fees ~~((set forth in WAC 352-32-250 and 352-12-020))~~ published by state parks pursuant to RCW 43.51.060(6) shall not apply whenever any individual, group, organization, association, or agency shall volunteer to perform personal services in lieu of standard fees if the following conditions are met:

(1) The park manager has determined that the personal service is desirable;

(2) The service performed does not replace or supplant that which would otherwise be performed by parks employees or contractors;

(3) The service performed is not one commonly performed by members of an organized trade union;

(4) The service performed does not result in any type of development which will necessarily create future operating costs to the commission;

(5) The volunteer shall perform personal services under the following provisions.

(a) At least four hours of service are provided per day; alternatively

(b) At least twenty-eight hours of service are provided per seven-day week, spread over at least five days.

(c) If more than four hours, but less than twenty-eight hours of volunteer service are provided during a seven-day week, a prorated waiver of fees equivalent to (b) of this subsection may be offered by the park manager.

(d) Volunteer time accumulated may not be carried forward for credit in subsequent weeks.

(e) The waiver of standard fees shall apply only at the park where such personal services were performed.

The limit placed on any camper by WAC 352-32-030(7) shall not apply to persons qualifying under this section. Continuous occupancy of facilities by the same person or persons qualifying under this section shall be limited to thirty consecutive nights, unless otherwise approved by the director or designee.

This section does not expand or limit the provisions of RCW 43.51.130 through 43.51.160.

AMENDATORY SECTION (Amending Order 83, filed 10/2/84)

WAC 352-32-290 Wood debris collection permit—Fee. (1) As used in this section "wood debris" means down and dead tree material which may be removed without adversely impacting the environment of the park at which it is located significantly and which is surplus to the needs of such park.

(2) A person may collect and remove wood debris from a state park area only when a park manager or ranger has issued the person a wood debris collection permit.

(3) A wood debris collection permit is valid only at the state park at which the permit is issued and only during the calendar year when the permit is issued.

(4) Subject to availability, for each wood debris collection permit issued, a person may collect and remove from a state park area not more than five cords of wood debris. Wood debris may be collected only for personal firewood

use and only from sites and during time periods designated by a park manager or ranger.

(5) The nonrefundable fee for a wood debris collection permit shall be ~~((ten dollars))~~ published by state parks, except for persons sixty-five years of age or over who shall be exempt from the fee.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 352-32-035 Campsite reservation.

AMENDATORY SECTION (Amending WSR 90-07-050, filed 3/19/90, effective 4/19/90)

WAC 352-37-200 Special group recreation event permit. (1) Any person or group desiring to make use of a portion of the ocean beaches for a group recreation event which will require the closure of the area to certain conflicting recreational uses, may apply to the director for a special group recreation event permit. The director, or his/her designee, may issue such a permit after consultation with the appropriate local government, if the event does not unduly interfere with normal public recreation. Such authorization shall include the closure of the specified area to recreational activities, including motor vehicle traffic, which are determined to have the potential to interfere with the event or which could risk the safety of the recreating public or the special event participants. However, no such authorization may result in the unreasonable exclusion of pedestrian recreationists from the specified portion of the ocean beach; all events authorized under this permit shall be open to public participation and/or observation.

(2) In determining whether to issue the permit, the director or designee will review the proposal for consistency with established approval criteria developed by the agency, which are designed to ensure the appropriateness of the event to the ocean beaches, and the basis for any associated public recreation restrictions. The criteria are available upon request from the agency.

(3) A special group recreation event permit shall be issued only for recreational events where there is a reasonable expectation that a minimum of twenty persons will participate. The event must be oriented towards a recreational pursuit. Not more than three permits will be issued to a given applicant for the same event during a one-year period. The group recreation activity must be consistent with the seashore conservation area (RCW 43.51.650 through 43.51.685), and may include an activity otherwise excluded under this chapter. Special group recreation events shall not exceed three days or seventy-two hours.

(4) Persons or organizations that desire to conduct a special group recreation event on the ocean beaches shall submit a permit application provided by the director and appropriate fees to the:

PROPOSED

Washington State Parks and
Recreation Commission
7150 Cleanwater Lane ((KY-11))
P.O. Box 42650
Olympia, WA 98504-2650

WSR 95-19-091
PROPOSED RULES
TRANSPORTATION IMPROVEMENT BOARD
(Filed September 20, 1995, 9:46 a.m.)

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-13-099.

Title of Rule: WAC 479-01-010 Organization of transportation improvement board, 479-01-050 Administration costs, 479-12-008 Definitions, 479-112-0055 Definitions, 479-510-060 Application guidelines, 479-510-076 Funding shortfall, 479-510-080 Over-programming of funds, 479-510-110 Central Puget Sound public transportation account—Eligibility, 479-510-120 Central Puget Sound public transportation account—Criteria, 479-510-210 Public transportation systems account—Eligibility, 479-510-220 Public transportation systems account—Criteria, 479-510-410 Intermodal Surface Transportation Efficiency Act, surface transportation program, state-wide competitive program account—Eligibility, 479-510-420 Intermodal Surface Transportation Efficiency Act, surface transportation program, state-wide competitive program account—Criteria, and 479-510-500 Financial and payment requirements.

Purpose: The rules shown below are being revised to update current language, provide needed language to reflect the current procedures of the Transportation Improvement Board programs, and to reflect desired changes in the Transportation Improvement Board programs. Also, included are a set of new rules to administer the central Puget Sound public transportation systems account, and the intermodal surface transportation program statewide competitive program account.

Statutory Authority for Adoption: Chapter 269, Laws of 1995.

Summary: WAC 479-01-010, revised to show the number and makeup of the board to reflect the current RCW; WAC 479-01-050, revised to reflect the administration costs for all programs; WAC 479-12-008, revised language to include all urban cities; WAC 479-112-0055, revised language to include cities over five thousand population; WAC 479-510-060, preparation of application guidelines by the Transportation Improvement Board; WAC 479-510-076, giving the Transportation Improvement Board discretion on funding shortfalls; WAC 479-510-080, allowing the Transportation Improvement Board the over-programming of funds; WAC 479-510-110, provide rules describing the eligibility procedures for the central Puget Sound public transportation account; WAC 479-510-120, provide rules describing the criteria procedures for the central Puget Sound public transportation account; WAC 479-510-210, provide rules describing the eligibility procedures for the public transportation systems account; WAC 479-510-220, provide rules describing the criteria procedures for the public transportation systems account; WAC 479-510-410, provide rules describing the eligibility procedures for the Intermodal Surface Transportation Efficiency Act, surface transportation program, state-wide competitive program account; WAC 479-510-420, provide rules describing the criteria procedures for the Intermodal Surface Transportation Efficiency Act, surface transportation program, state-wide competitive program account; and WAC 479-510-500, added rules describing the financial and payment requirements of the

Such application shall be submitted at least fifteen days in advance of the proposed date of the event, to allow for necessary internal review and analysis, consultation with local governments, public notice, establishment of permit conditions, and required agency preparations and coordination. The director or his/her designee shall approve or disapprove a permit application and establish the conditions for an approved application. The permittee must pay any fees published by state parks for the use of park lands or facilities. The director or the designee shall determine the need for any fees necessary to cover costs incurred by the agency, as well as the need for any bond, damage deposit, or liability insurance arising from any potential hazards associated with the character of the event. Any such fees, bond, damage deposit, or liability insurance shall be provided prior to the issuance of the permit.

(5) If additional costs are incurred by the commission resulting from the event, the applicant shall reimburse the commission for such costs in a timely manner. If the additional costs are not paid, the director may recover such costs from the bond or damage deposits provided if previously required. Any funds remaining from the bond or damage deposit shall be returned to the applicant.

AMENDATORY SECTION (Amending WSR 94-23-009, filed 11/3/94, effective 12/4/94)

WAC 352-68-100 Water trail permit—Issuance. Permits will be issued on a calendar year basis by the commission or its designee upon payment of the permit fee as ~~((specified in WAC 352-32-250))~~ published by state parks. A valid permit entitles the holder to the use of all designated water trail sites that are open for public use.

AMENDATORY SECTION (Amending WSR 94-23-010, filed 11/3/94, effective 1/1/95)

WAC 352-74-045 Filming fees. (1) Permit application fee - each application shall be accompanied by ~~((an))~~ the appropriate application fee ((of one hundred dollars if submitted ten or more days in advance of the filming date or three hundred dollars if submitted less than ten days in advance of filming)), based on the amount of time between the date of application and the date of facility use, which shall be in the form of a check or money order payable to the Washington state parks and recreation commission.

(2) Site location fee - prior to commencing filming activities or otherwise as specified by the director or the director's designee, each applicant shall pay an additional site location fee, set by the director or the director's designee based on the magnitude and duration of the impact on park resources and normal public use, the uniqueness of the site, and such other considerations as the director or director's designee deem appropriate.

PROPOSED

central Puget Sound public transportation account and the public transportation systems account.

Reasons Supporting Proposal: WAC 479-01-010, to update existing rules; WAC 479-01-050, to reflect the administration costs for all programs; WAC 479-12-008, to include all urban cities in the UATA program; WAC 479-112-0055, to include cities over five thousand population; WAC 479-510-060, to establish procedures for application guidelines; WAC 479-510-076, to allow discretion on funding shortfalls; WAC 479-510-080, to allow the Transportation Improvement Board to utilize the principle of over-programming of funds; WAC 479-510-110, to describe the eligibility procedures for the central Puget Sound public transportation account; WAC 479-510-120, to describe the criteria procedures for the central Puget Sound public transportation account; WAC 479-510-210, to describe the eligibility procedures for the public transportation systems account; WAC 479-510-220, to describe the criteria procedures for the public transportation systems account; WAC 479-510-410, to describe the eligibility procedures for the Intermodal Surface Transportation Efficiency Act, surface transportation program, state-wide competitive program account; WAC 479-510-420, to describe the criteria procedures for the Intermodal Surface Transportation Efficiency Act, surface transportation program, state-wide competitive program account; and WAC 479-510-500, to describe the financial and payment requirements rules of the central Puget Sound public transportation account and the public transportation systems account.

Name of Agency Personnel Responsible for Drafting: Omar Mehyar, Transportation Building, Olympia, (360) 705-7590; Implementation and Enforcement: Jerry Fay, Transportation Building, Olympia, (360) 705-7301.

Name of Proponent: Transportation Improvement Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Updated and revised existing rules to be in agreement with current RCW language. Provided rules describing the procedures for the central Puget Sound public transportation account, public transportation systems account, and the intermodal surface transportation program statewide competitive program account.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Since our funding is a passthrough to the local agencies and the proposed rule changes do not add or delete any requirements between local agencies and small business, we were advised that no impact statement was necessary.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Subsection (5)(a)(i) does not apply to these revisions and since the revisions will replace the Washington State Department of Transportation's rules in chapter 479-66 WAC, the Transportation Improvement Board does not wish to voluntarily make the rule applicable to the revisions.

Hearing Location: Ramada Airport Inn, Spokane International Airport, on October 27, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jennine Stinbrink by October 13, 1995, (360) 705-7549.

Submit Written Comments to: FAX (360) 705-6830, by October 13, 1995.

Date of Intended Adoption: October 30, 1995.

September 20, 1995

Dan Rude

Deputy Director

AMENDATORY SECTION (Amending WSR 95-04-072, filed 1/30/95, effective 3/2/95)

WAC 479-01-010 Organization of transportation improvement board. The transportation improvement board is a ~~((eighteen-))~~ twenty-one member board, organized under the provisions of chapter ~~((472))~~ 269, Laws of ~~((1993))~~ 1995. The board administers the urban arterial trust account program, the transportation improvement account program, small city account program, city hardship assistance program, central Puget Sound public transportation account, public transportation systems account, Intermodal Surface Transportation and Efficiency Act of 1991, surface transportation program state-wide competitive, and evaluates petitions requesting any additions or deletions from the state highway system created and financed under the provisions contained therein. ~~((Fifteen))~~ Nineteen members of the board are appointed by the secretary of transportation, with six being city officials, six being county officials ~~((and a))~~, two representatives of ~~((a))~~ public transit systems, a private sector ~~((representative, and a public))~~ member, a member representing the ports, a member representing nonmotorized transportation, a member representing special needs transportation and two representatives from the department of transportation. One member shall be appointed by the governor. The county road administration engineer, created by RCW 36.78.060 is an ex officio member of the board. ~~((The assistant secretary for TransAid of the department of transportation is an ex officio member. The remaining ex officio member is the assistant secretary of the department of transportation whose primary responsibilities relate to planning and public transportation.))~~

NEW SECTION

WAC 479-01-050 Administration costs. The board costs for necessary staff services and facilities that are attributable to the urban arterial trust account, small city account, city hardship assistance account, transportation improvement account, central Puget Sound public transportation account and public transportation systems account shall be paid in proportion to the anticipated expenditures of the programs as determined by the biennial appropriation.

AMENDATORY SECTION (Amending WSR 95-04-072, filed 1/30/95, effective 3/2/95)

WAC 479-12-008 Definitions. For purposes of implementing the requirements of RCW 47.26.185 relative to the urban arterial trust account, the following definitions shall apply:

(1) Board - when board is used in this chapter, it refers to the transportation improvement board.

PROPOSED

(2) UATA - this is the abbreviation for the urban arterial trust account.

(3) Director - the executive director of the transportation improvement board.

(4) Eligible agencies - the urban arterial trust account eligible agencies are the counties with federal designated urban areas and all urban cities (~~(with a population of five thousand or above)~~).

(5) Urban area - the term "urban area" as used for the UATA program refers to the portion of a county within the federal urban area boundary as designated by FHWA.

(6) Eligible project - improvement on federally classified arterials within the urban area.

AMENDATORY SECTION (Amending WSR 95-04-072, filed 1/30/95, effective 3/2/95)

WAC 479-112-0055 Definitions. For purposes of implementing the requirements of RCW 47.26.084 relative to the transportation improvement account, the following definitions shall apply:

(1) Board - when board is used in this chapter, it refers to the transportation improvement board.

(2) Director - the executive director of the transportation improvement board.

(3) Urban area - the term "urban area" as used in this chapter refers to the portion of a county within the federal urban area boundary as designated by FHWA.

(4) Eligible agencies - the transportation improvement account eligible agencies are:

(a) Counties that have an urban area (~~(or a population of five thousand or more)~~).

(b) ~~((All))~~ Cities (~~(within an urban area)~~) with a population of five thousand and over.

(c) Urban area transportation benefit districts.

(5) Eligible projects.

(a) Improvements on federally classified arterials.

(b) Improvement involving state highway and transit when they are part of a joint project with eligible agencies.

(c) A project within the federal urban boundary or a project that extends partially or is totally beyond the federal urban boundary and is an extension of a federally classified arterial which connects two other federally classified arterials.

(d) A project that is on the federal functional classification system and in an area that is outside of the federal urban boundary, but has definite urban characteristics as defined by local comprehensive plans.

**Chapter 479-510 WAC
CENTRAL PUGET SOUND PUBLIC TRANSPORTATION ACCOUNT, PUBLIC TRANSPORTATION SYSTEMS ACCOUNT, AND SURFACE TRANSPORTATION PROGRAMS**

NEW SECTION

WAC 479-510-060 Application guidelines. The transportation improvement board shall prepare application guidelines for all fund accounts. At a minimum, such guidelines shall include all application forms needed and instructions on how to apply, sufficient information as to the scoring process to enable applicants to fairly compete, and

a complete time schedule identifying key milestones from the opening of the application period to final project selection. Such guidelines shall be available upon request to the public records officer at least thirty days prior to the date applications are due to the transportation improvement board.

NEW SECTION

WAC 479-510-076 Funding shortfall. If it shall be determined by the transportation improvement board that the funding in any of the accounts will be insufficient to meet the contracted obligations identified for the selected projects, the transportation improvement board shall have discretion as to the remedial action it will take. Such actions may include, but not be limited to, termination of projects, reduction in funding to selected projects, and/or an across the board reduction in funding for all projects. Such action shall occur only after the transportation improvement board holds a public meeting during which the affected parties may testify as to impacts of such actions.

NEW SECTION

WAC 479-510-080 Over-programming of funds. The transportation improvement board shall select projects based on its estimate of revenues and expenditures. The transportation improvement board may utilize the principle of over-programming when selecting projects, the degree of such over-programming to be at the discretion of the transportation improvement board for each account and application period.

NEW SECTION

WAC 479-510-110 Central Puget Sound public transportation account—Eligibility. (1) Eligibility to apply shall be limited to public agencies with offices in King, Kitsap, Pierce, and Snohomish counties.

(2) Projects eligible for funding from the central Puget Sound public transportation account shall be limited to public transportation projects for:

(a) Planning;

(b) Development of capital projects;

(c) Development of high capacity transportation systems as defined in RCW 81.104.015;

(d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and

(e) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

(3) Projects eligible for funding under the central Puget Sound public transportation account shall be limited to those located in King, Kitsap, Pierce, and Snohomish counties.

NEW SECTION

WAC 479-510-120 Central Puget Sound public transportation account—Criteria. (1) Projects selected for funding from the central Puget Sound public transportation account shall be consistent with the following criteria:

(a) Local, regional, and state transportation plans;

(b) Local transit development plans; and

(c) Local comprehensive land use plans.

(2) The following criteria shall be considered by the transportation improvement board in selecting programs and projects:

(a) Objectives of the Growth Management Act, the High Capacity Transportation Act, the Commute Trip Reduction Act, transportation demand management programs, federal and state air quality requirements, and federal Americans with Disabilities Act and related state accessibility requirements; and

(b) Energy efficiency issues, freight and goods movement as related to economic development, regional significance, rural isolation, the leveraging of other funds including funds administered by the transportation improvement board, and safety and security issues.

NEW SECTION

WAC 479-510-210 Public transportation systems account—Eligibility. (1) Participation in the public transportation systems account shall be limited to those public transportation systems that contribute funds to the account.

(2) Projects eligible for funding from the public transportation systems account shall be limited to public transportation projects for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;
- (e) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and
- (f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

(3) Projects eligible for funding under the public transportation systems account shall be limited to areas in Washington state outside of the central Puget Sound region identified in WAC 240-201-110(3).

NEW SECTION

WAC 479-510-220 Public transportation systems account—Criteria. (1) Projects selected for funding from the public transportation systems account shall be consistent with the following criteria:

- (a) Local, regional, and state transportation plans;
 - (b) Local transit development plans; and
 - (c) Local comprehensive land use plans.
- (2) The following criteria shall be considered by the transportation improvement board in selecting programs and projects:

(a) Objectives of the Growth Management Act, the High Capacity Transportation Act, the Commute Trip Reduction Act, transportation demand management projects, federal and state air quality requirements, and federal Americans with Disabilities Act and related state accessibility requirements; and

(b) Energy efficiency issues, freight and goods movement as related to economic development, regional significance, rural isolation, the leveraging of other funds administered by the transportation improvement board, and safety and security issues.

NEW SECTION

WAC 479-510-410 Intermodal Surface Transportation Efficiency Act, surface transportation program, state-wide competitive program account—Eligibility. (1) Eligibility to apply shall be limited to public agencies.

(2) Programs and projects eligible for funding shall be limited to the following purposes:

- (a) Planning;
- (b) Preliminary engineering;
- (c) Right of way acquisition;
- (d) Construction; and
- (e) Capital equipment acquisition.

(3) Projects eligible for funding under the account shall be limited to applications that directly benefit Washington state.

NEW SECTION

WAC 479-510-420 Intermodal Surface Transportation Efficiency Act, surface transportation program, state-wide competitive program account—Criteria. (1) Projects selected for funding from the state-wide competitive program account shall be consistent with the following criteria:

- (a) Local, regional, and state transportation plans;
- (b) Local transit development plans; and
- (c) Local comprehensive land use plans.

(2) The following criteria shall be considered:

(a) Objectives of the Growth Management Act, the High Capacity Transportation Act, the Commute Trip Reduction Act, transportation demand management programs, federal and state air quality requirements, and federal Americans with Disabilities Act and related state accessibility requirements; and

(b) Energy efficiency issues, freight and goods movement as related to economic development, regional significance, rural isolation, the leveraging of other funds including funds administered by the transportation improvement board, and safety and security issues.

(3) In addition to the criteria identified in subsections (1) and (2) of this section, the transportation improvement board may choose to identify additional criteria for program and project selection for the state-wide competitive program. Such criteria shall be subject to public meetings as required by federal law, and shall be identified in the application guidelines.

(4) The transportation improvement board shall prepare application forms and guidelines to assist eligible applicants and ensure their distribution to all eligible applicants no later than thirty days prior to the date on which the applications must be submitted.

NEW SECTION

WAC 479-510-500 Financial and payment requirements. The financial and payment requirements for the central Puget Sound public transportation account projects and public transportation systems account projects shall be as specified in chapter 479-20 WAC except WAC 479-20-007.

WSR 95-19-097
WITHDRAWAL OF PROPOSED RULES
PERSONNEL RESOURCES BOARD
 [Filed September 20, 1995, 10:31 a.m.]

The Washington Personnel Resources Board hereby withdraws proposed rules WAC 356-30-065 filed as WSR 95-10-073 and WAC 356-30-067 filed as WSR 95-10-074 with your office on May 3, 1995. Both of these rules were continued as part of WSR 95-13-015 filed on June 12, 1995.

If you have any questions, please contact Judy Montoure at 586-1770.

Dennis Karras
 Secretary

WSR 95-19-100
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed September 20, 1995, 10:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-14-005.

Title of Rule: WAC 388-504-0470 Application disposition.

Purpose: This language was inadvertently deleted under the WAC rewrite.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: This regulation provides a necessary cross reference concerning the criteria for approval, denial or withdrawal of a medical application.

Reasons Supporting Proposal: Ensures/CSO staff use appropriate policy.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, MAA, (360) 753-7462.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This regulation provides a necessary cross reference concerning the criteria for approval, denial or withdrawal of a medical application. Ensures/CSO staff use appropriate policy

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This amendment does not have an economic impact on any business. It is an eligibility rule and provides regulation only for department staff and clients.

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

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on October 24, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeanette Sevedge-App, Acting Chief, by October 10, 1995, TDD (360) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Vendor Services, P.O. Box 45811, Olympia, WA 98504, Identify WAC Numbers, FAX (360) 586-8487, by October 17, 1995.

Date of Intended Adoption: October 25, 1995.

September 20, 1995
 Jeanette Sevedge-App
 Acting Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-504-0470 Application disposition. (1) The department shall ~~((act on))~~ approve or deny a request for medical care within:

(a) Sixty calendar days for a client requiring a disability decision;

(b) Forty-five calendar days for all other categories except a pregnant woman as described under subsection (1)(c) of this ~~((sub))~~ section; and

(c) Fifteen working days for a pregnant woman, including an interview within five working days if an interview is requested by the client;

(d) When applying subsection (1)(a), (b), or (c) of this ~~((sub))~~ section, the department shall count as day one the date following the date of application.

(2) The department shall:

(a) Act on each application as quickly as possible; and

(b) Not use the standards for timely processing of applications as a waiting period for determining eligibility.

(3) The department shall follow criteria under chapter 388-210 WAC for the approval, denial, or withdrawal of an application for:

(a) Medical assistance;

(b) Medical care services;

(c) The limited casualty program; and

(d) Children's health program.

WSR 95-19-102
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 (Tree Fruit Research Commission)
 [Filed September 20, 1995, 11:23 a.m.]

Original Notice.

Proposal is exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Washington Tree Fruit Research Commission, chapter 16-560 WAC.

Purpose: This rule provides for the assessment on tree fruit to fund research programs which will benefit the planting, production, harvesting, handling, processing, or shipment of tree fruit [in] this state.

Statutory Authority for Adoption: RCW 15.26.110(2).

PROPOSED

Statute Being Implemented: RCW 15.26.140.

Summary: The proposed rule change will increase the assessment rate for cherries from two dollars per ton to four dollars per ton.

Reasons Supporting Proposal: The Washington Tree Fruit Research Commission board voted unanimously to initiate the grower referendum process to increase the rate of assessment on cherries. The 1995 legislation approved the rate increase under provisions of Initiative 601.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: George Ing, Manager, P.O. Box 1009, White Salmon, 98672, (509) 493-4415.

Name of Proponent: Washington Tree Fruit Research Commission, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The current annual assessment of cherries is two dollars per ton. If assented to by a majority of the cherry growers in the state, the annual assessment will increase to four dollars per ton. The additional assessments will be used to carry on research programs in planting, production, harvesting, handling, processing, or shipment of tree fruit (cherries) of this state, and to administer and coordinate research efforts with those of other states, federal, or private agencies doing similar research. The research is intended to develop better and more efficient production, marketing, and utilization of cherries produced in the state.

Proposal Changes the Following Existing Rules: The proposed rule will increase the current annual rate of assessment from two dollars per ton to four dollars per ton, if approved by a majority of cherry growers.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The increase in assessment must be approved by a majority vote of the cherry growers. The increase in assessment, if approved, is proportional to the level of production of each grower.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The rule adjusts fees pursuant to legislative standards section 201 (5)(b)(vi).

Hearing Location: On October 26, 1995, WSU Tree Fruit Research Center, 1100 North Western Avenue, Wenatchee, WA, at 4:00 p.m.; on October 30, 1995, Franklin County PUD #1, 1411 West Clark, Pasco, WA, at 4:00 p.m.; and on October 31, 1995, Washington Fruit Commission, 105 South 18th Street, Yakima, WA (WSDA conference room not available), at 4:00 p.m.

Submit Written Comments to: George Ing, Manager, Washington Tree Fruit Commission, P.O. Box 1009, White Salmon, WA, FAX (509) 493-4330, by October 31, 1995.

Date of Intended Adoption: March 19, 1996.

September 20, 1995
George Ing
Manager

[AMENDATORY SECTION (Amending WSR 92-01-009, filed 12/5/91)]

WAC 16-560-06001 Assessment rates. There is hereby levied on all commercial tree fruit produced in this state or held out as being produced in this state for fresh or processing use, an assessment of one dollar per ton on all

such tree fruit: *Provided*, That such assessment for cherries shall be ~~two~~ four dollars per ton: *Provided*, That such assessment for apples for fresh shipment shall be at the rate of two and one-half cents per hundred pounds gross billing weight for the 1992 crop year, three and three-quarters cents per hundred pounds gross billing weight for the 1993 crop year, and five cents per hundred pounds gross billing weight for the 1994 crop year and each year thereafter: *Provided Further*, That such assessment for processed apples shall be at the rate of fifty cents per ton for the 1992 crop year, seventy-five cents per ton for the 1993 crop year, and one dollar per ton for the 1994 crop year, and each year thereafter.

There is hereby established pursuant to RCW 15.26.155 an additional assessment for an industry services fund for programs related to sanitation, planting, production, harvesting, handling, processing and shipping. The assessment shall be set annually by the commission, upon approval of two-thirds of the voting members of the commission, to create and maintain this fund at or near one hundred thousand dollars. If this fund should inadvertently exceed one hundred thousand dollars due to larger crops than estimated or the addition of interest earned, the excess shall be credited to the following year's fund.

In consideration of maintaining this industry services fund, the commission shall annually consult with the affected industry and grower organizations.

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

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

WSR 95-19-105
PROPOSED RULES
LOTTERY COMMISSION
[Filed September 20, 1995, 11:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-16-116.

Title of Rule: New sections WAC 315-11A-153 Instant Game Number 153 ("Bingo"), 315-11A-154 Instant Game Number 154 ("Gold Rush"), 315-11A-155 Instant Game Number 155 ("Loose Change"), 315-11A-156 Instant Game Number 156 ("\$2 Win For Life"), and 315-02-240 Redeem defined.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 153 ("Bingo"), 154 ("Gold Rush"), 155 ("Loose Change"), and 156 ("\$2 Win For Life"); and to define the term "redeem."

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Jeff Burkhardt, Rules Coordinator, Olympia, 586-6583;

Implementation and Enforcement: Evelyn P. Yenson, Director, Olympia, 753-3330.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 315-11A-153, 315-11A-154, 315-11A-155, and 315-11A-156, for each game, certain terms must be defined in order to provide consistency in the game play rules. The play criteria will explain how the game functions to licensed retailers and players. Rigid validation requirements are set forth which will prevent the lottery or its retailers from paying out prize money on invalid tickets; and WAC 315-02-240, this rule will define the term "redeem" as it is used in the context of claiming prize moneys.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The lottery has considered whether these rules are subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that they are not for the following reasons: (1) The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for the playing of instant lottery games; and (2) the rules will have a negligible impact, if any, on business because they are interpretive. They have been promulgated for the purpose of stating policy, procedure and practice and do not include requirements for forms, fees, appearances or other actions by business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Said section does not apply to these proposed rules because they are not proposed by one of the listed agencies. As the rules are merely interpretive, the lottery does not voluntarily apply this section.

Hearing Location: Washington State Lottery, 5963 Corson Avenue South, Suite 106, Seattle, WA 98108, on November 3, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jeff Burkhardt by October 27, 1995, (360) 586-6583.

Submit Written Comments to: Jeff Burkhardt, Lottery, FAX (360) 586-6586, by November 2, 1995.

Date of Intended Adoption: November 3, 1995.

September 19, 1995

Evelyn P. Yenson
Director

NEW SECTION

WAC 315-11A-153 Instant Game Number 153 ("Bingo"). (1) Definitions for Instant Game Number 153.

(a) Play symbols: The play symbols are all the integers from "1" to "75," inclusive, and the word "free." Twenty-four of these play symbols shall appear in each of four play fields on the front of the ticket. Each playfield shall be known as a "player's card" and each ticket shall have four player's cards, one each labeled "Card 1," "Card 2," "Card 3," and "Card 4." The 24 play symbols in each card shall be placed in a 5-play-symbol by 5-play-symbol configuration with a "free" space in the center of each card. Each ticket

shall have a "Caller's Card" which shall have 24 play symbols which shall be covered by latex.

(b) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(c) Pack-ticket number: The twelve-digit number of the form 15300001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 153 constitute the "pack number" which starts at 15300001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(d) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket in the Caller's Card section which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 153, the retailer verification code is a three-letter code, with each letter appearing beneath the removable covering and among the play symbols in the Caller's Card section on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TWO	\$ 2.00
THR	\$ 3.00
FIV	\$ 5.00 (\$2 AND \$3)
TEN	\$ 10.00
TWF	\$ 25.00
TRY	\$ 30.00 (\$2, \$3, AND \$25)
FRY	\$ 40.00 (\$2, \$3, \$10, AND \$25)
FTY	\$ 50.00
OHF	\$ 150.00
TWH	\$ 200.00 (\$25, \$25, AND \$150; \$50 AND \$150)
THF	\$ 250.00 (\$25, \$25, \$50 AND \$150; \$250)

(e) Pack: A set of one hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) **Criteria for Instant Game Number 153.**

(a) The price of each instant game ticket shall be \$2.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When the play symbols in any of the player's cards, which match exactly the play symbols in the Caller's Card, form the following configurations, the bearer of the ticket shall be entitled to a prize as follows:

- Card 1: Either five matching play symbols, or four matching play symbols and the free space, in a horizontal, vertical or diagonal line in Card 1 shall entitle the bearer to \$2.00.
 - A matching play symbol in each and every corner space of Card 1 shall entitle the bearer to \$25.00.
 - Eight matching play symbols forming an "X" on Card 1 shall entitle the bearer to \$150.00. The "X" must have the "free" space at its center.
- Card 2: Either five matching play symbols, or four matching play symbols and the free space, in

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a horizontal, vertical or diagonal line in Card 2 shall entitle the bearer to \$3.00.

- A matching play symbol in each and every corner space of Card 2 shall entitle the bearer to \$50.00.
- Eight matching play symbols forming an "X" on Card 2 shall entitle the bearer to \$250.00. The "X" must have the "free" space at its center.

-Card 3: Either five matching play symbols, or four matching play symbols and the free space, in a horizontal, vertical or diagonal line in Card 3 shall entitle the bearer to \$10.00.

- A matching play symbol in each and every corner space of Card 3 shall entitle the bearer to \$150.00.
- Eight matching play symbols forming an "X" on Card 3 shall entitle the bearer to \$1,000.00. The "X" must have the "free" space at its center.

-Card 4: Either five matching play symbols, or four matching play symbols and the free space, in a horizontal, vertical or diagonal line in Card 4 shall entitle the bearer to \$25.00.

- A matching play symbol in each and every corner space of Card 4 shall entitle the bearer to \$250.00.
- Eight matching play symbols forming an "X" on Card 4 shall entitle the bearer to \$10,000. The "X" must have the "free" space at its center.

(ii) The bearer of a ticket which is entitled to a prize from more than one player's card shall be entitled to the total of the prizes won on all the cards, provided however, that where there is more than one prize on one player's card, only the highest prize on that player's card shall be paid.

(iii) Play symbols may not be combined, exchanged, or intermingled among or within one or more player's cards.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 153 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 153; and/or

(ii) Vary the number of tickets sold in Instant Game Number 153 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) **Ticket validation requirements for Instant Game Number 153.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 153 all of the following validation requirements apply:

(i) Exactly 25 play symbols must appear in each of the player's cards on the front of the ticket. One of the play symbols shall be "free" which shall appear in the exact center of each player's card.

(ii) Exactly 24 play symbols must appear in the Caller's Card section on the front of the ticket.

(iii) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(iv) Each of the play symbols, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(v) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11A-154 Instant Game Number 154 ("Gold Rush"). (1) Definitions for Instant Game Number 154.

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. Two of the six play spots shall be labeled "winning numbers."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 154, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$7.00," "\$25.00," "\$50.00," and "\$1,500." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbols labeled "winning numbers."

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(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 154, the prize symbol captions which correspond with and verify the prize symbols are:

PRIZE SYMBOL	CAPTION
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 7.00	SVN DOL
\$ 25.00	TWF DOL
\$ 50.00	\$FIFTY\$
\$ 1,500	FTNHUND

(e) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The twelve-digit number of the form 15400001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 154 constitute the "pack number" which starts at 15400001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 154, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$ 1.00
TWO	\$ 2.00 (\$1 AND \$1; \$2)
FIV	\$ 5.00 (\$3 AND \$2; \$2, \$2 AND \$1)
TEN	\$ 10.00 (\$4, \$4, \$1 AND \$1; \$5 AND \$5)
FTN	\$ 15.00 (\$5, \$5 AND \$5; \$4, \$4, \$4 AND \$3)
TWF	\$ 25.00 (\$7, \$7, \$7 AND \$4)
OHN	\$100.00 (\$25, \$25, \$25 AND \$25; \$50, \$25 AND \$25)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 154.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly one of the two play symbols labeled "winning numbers," the matching play symbol shall be a winning play symbol, and

the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 154 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 154; and/or

(ii) Vary the number of tickets sold in Instant Game Number 154 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 154.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 154 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the six play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning numbers" play symbol captions, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11A-155 Instant Game Number 155 ("Loose Change"). (1) Definitions for Instant Game Number 155.

(a) Play symbols: The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out, in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 155, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV
	BNK

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$6.00," "\$7.00," "\$20.00," "\$25.00," and "\$500." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 155, the prize symbol captions which correspond with and verify the prize symbols are:

PRIZE SYMBOL	CAPTION
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 7.00	SVN DOL
\$ 20.00	TWY DOL
\$ 25.00	TWF DOL
\$ 500.00	FIVHUND

(e) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The twelve-digit number of the form 15500001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 155 constitute the "pack number" which starts at 15500001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 155, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$ 1.00
THR	\$ 3.00 (\$2 AND \$1; \$1, \$1 AND \$1)
FOR	\$ 4.00 (\$1, \$1, \$1 AND \$1)
SIX	\$ 6.00 (\$2, \$2, \$1 AND \$1; \$3 AND \$3)
TEN	\$ 10.00 (\$3, \$3, \$2 AND \$2; \$5 AND \$5)
SVT	\$ 17.00 (\$5, \$5, \$5 AND \$2; \$6, \$6, \$4 AND \$1)
TTN	\$ 21.00 (\$7, \$7, \$6 AND \$1)
FTY	\$ 50.00 (\$20, \$20, \$5 AND \$5; \$25 AND \$25)
FVH	\$ 500.00

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 155.

(a) The price of each instant game ticket shall be \$1.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) In Instant Game Number 155, the " " play symbol with the caption "BNK" shall always be a winning play symbol, and the bearer of a ticket which has a " " play symbol with the caption "BNK" shall be entitled to the prize shown below the " " play symbol.

(iii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 155 set forth in subsection (3) of this section, to the confidential

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validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 155; and/or

(ii) Vary the number of tickets sold in Instant Game Number 155 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) **Ticket validation requirements for Instant Game Number 155.**

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 155 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11A-156 Instant Game Number 156 ("Win For Life"). (1) **Definitions for Instant Game Number 156.**

(a) **Play symbols:** The "play symbols" are listed below in (b) of this subsection. One of these play symbols appears in each of the nine play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the nine play spots shall be labeled "winning number."

(b) **Play symbol captions:** The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out,

in full or abbreviated form, of the play symbol. One and only one of these captions appears under each play symbol. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 156, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
12	TLV
13	THN
14	FRN
15	FTN
16	SXT
17	SVT

(c) **Prize symbols:** The following are the "prize symbols": "\$1.00," "\$2.00," "\$3.00," "\$4.00," "\$5.00," "\$6.00," "\$8.00," "\$10.00," "\$15.00," "\$20.00," "\$25.00," "\$100.00," and "LIFE." One of these prize symbols appears below each of the play symbol captions, except that no prize symbol appears below the caption of the play symbol labeled "winning number."

(d) **Prize symbol captions:** The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 156, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 4.00	FOR DOL
\$ 5.00	FIV DOL
\$ 6.00	SIX DOL
\$ 8.00	EGT DOL
\$ 10.00	TEN DOL
\$ 15.00	FTN DOL
\$ 20.00	TWY DOL
\$ 25.00	TWF DOL
\$ 100.00	ONEHUND
LIFE	\$1,000/MONTH

(e) **Validation number:** The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(f) **Pack-ticket number:** The twelve-digit number of the form 15600001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 156 constitute the "pack number" which starts at 15600001; the last three digits constitute the "ticket number" which

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starts at 000 and continues through 199 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 156, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>	
TWO	\$ 2.00	(\$1 AND \$1; \$2)
FOR	\$ 4.00	(\$1, \$1, \$1 AND \$1; \$3 AND \$1)
SIX	\$ 6.00	(\$1, \$1, \$1, \$1, \$1 AND \$1; \$4, \$1 AND \$1)
TEN	\$ 10.00	(\$2, \$2, \$1, \$1, \$1, \$1, \$1 AND \$1; \$6, \$2 AND \$2)
TWY	\$ 20.00	(\$5, \$4, \$2, \$2, \$2, \$2, \$2 AND \$1)
FTY	\$ 50.00	(\$10, \$10, \$10, \$8, \$8, \$2, \$1 AND \$1)
OHN	\$ 100.00	(\$25, \$20, \$20, \$15, \$10, \$5 AND \$5)
FVH	\$ 500.00	(\$100, \$100, \$100, \$100 AND \$100)

(h) Pack: A set of two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 156.

(a) The price of each instant game ticket shall be \$2.00.
 (b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When any of the eight play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(c) When the "LIFE" prize symbol with the caption "\$1,000/MONTH" appears below a winning play symbol on an Instant Game Number 156 ticket, the prize for the claimant of said ticket shall be \$1,000 per month for the life of the claimant, subject hereto:

(i) A natural person, and a natural person only, may claim the prize of \$1,000 per month for life.

(ii) Prize payments shall be made semiannually in the amount of \$6,000 at the beginning of the six-month period for which the claimant is entitled.

(iii) In the event that the prize claimant is under the age of eighteen at the time of claiming, the claimant shall not be entitled to the first payment of \$6,000 until the month that the claimant reaches the age of eighteen.

(iv) In the event that the claimant dies prior to payment of \$100,000 in prize money under this section, claimant's

successor-in-interest shall be entitled to payment of that amount of money which would provide claimant and said successor together a total of \$100,000, upon presentation to the lottery of legal documents, including court order(s) if necessary, to demonstrate the successor's entitlement to said payment.

(v) The determination of the sufficiency of the documents necessary under this subsection shall lie within the sole discretion of the director of the lottery.

(vi) Payment to said successor shall be governed by all applicable law including WAC 315-06-120, 315-06-125, and 315-06-130.

(d) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(e) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 156 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(f) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 156; and/or

(ii) Vary the number of tickets sold in Instant Game Number 156 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 156.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 156 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the nine play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each

of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

NEW SECTION

WAC 315-02-240 Redeem defined. "Redeem" means presentation, with the intent of demanding prize payment, of a ticket, and claim form if necessary under these rules, at a location authorized to pay the prize sought, and receipt by the player of the prize payment. Presentation does not take place upon placement of the ticket, and claim form if necessary, in the U.S. or another mail service, but occurs only upon actual receipt by the location authorized to make payment.

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WSR 95-17-084
PERMANENT RULES
SOUTHWEST AIR POLLUTION
CONTROL AUTHORITY
 [Filed August 21, 1995, 1:27 p.m.]

Date of Adoption: August 15, 1995.

Purpose: Clarify wording of existing regulation.

Citation of Existing Rules Affected by this Order:
 Amending SWAPCA 400.

Statutory Authority for Adoption: Chapter 70.94 RCW,
 RCW 70.94.151.

Pursuant to notice filed as WSR 95-01-058 on Decem-
 ber 14, 1994.

Changes Other than Editing from Proposed to Adopted
 Version: Change definition of "volatile organic compound"
 to correspond to federal definition; and delete SWAPCA
 400-111 "Orders of Authorization" and references thereto.

Effective Date of Rule: Thirty-one days after filing.
 August 17, 1995
 Robert D. Elliott
 Executive Director

SWAPCA 400

General Regulations for Air Pollution Sources

SWAPCA

- 400-010 Policy and Purpose
- 400-020 Applicability
- 400-030 Definitions
- 400-040 General Standards for Maximum Emissions
- 400-050 Emissions Standards for Combustion and Incineration Units
- 400-052 Stack Sampling of Major Combustion Sources
- 400-060 Emission Standards for General Process Units
- 400-070 Emission Standards for Certain Source Categories
- 400-075 Emission Standards for Sources Emitting Hazardous Air Pollutants
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- 400-081 Startup and Shutdown
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- 400-100 Registration Requirements and Operating Permit((s)) Fees
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- 400-109 Notice of Construction
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- 400-112 Requirements for New Sources in Nonattainment Areas
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- 400-114 Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source
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AMENDATORY SECTION

SWAPCA 400-010 Policy and Purpose

(1) It is the policy of the Southwest Air Pollution Control Authority (herein after referred to as the Authority and/or SWAPCA) to maintain such a reasonable degree of purity of the air as will protect human health and safety and to the greatest degree practicable, prevent injury to plant and animal life or to property and be consistent with the economic and industrial well being of the jurisdiction of the Authority.

(2) Pursuant to the U.S. Clean Air Act (42 U.S.C. 7401 et seq.) and the Washington Clean Air (Washington) Act (RCW 70.94 (RCW)), the Authority has adopted regulations for the control of air contaminant emissions, including toxic air contaminants, substances for which primary and secondary National Ambient Air Quality Standards (NAAQS) have been established and volatile organic compounds, to prevent air pollution. In conformance with these laws, the policy of SWAPCA is to control and regulate the emission of air contaminants from sources within the jurisdiction of SWAPCA, to prevent violations of federal, state and local air pollution regulations, to provide uniform administration and enforcement of the aforementioned regulations, and to effectuate the requirements and purpose of Chapter 70.94 Revised Code of Washington (RCW).

AMENDATORY SECTION

SWAPCA 400-020 Applicability

(1) The provisions of this regulation shall apply within Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties of Washington State.

(2) The Authority is authorized to enforce this regulation and may also adopt standards or requirements. These standards or requirements may not be less stringent than the current state air quality rules and may be more stringent than the current regulations. Unless properly delegated by Ecology, the Authority does not have jurisdiction over the following sources:

(a) Specific source categories over which the State, by separate regulation, has assumed or hereafter assumes jurisdiction.

(b) Automobiles, trucks, aircraft, chemical pulp mills and primary aluminum reduction facilities.

(c) Those sources under the jurisdiction of the Energy Facility Site Evaluation Council (EFSEC) as provided in Washington Administrative Code (WAC) 463.

AMENDATORY SECTION

SWAPCA 400-030 Definitions

Except as provided elsewhere in this regulation the following definitions apply throughout the regulation:

(1) "Actual emissions" means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection.

(a) 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 source operation. The Authority shall allow the use of a different time period upon a determination that it is more representative of normal 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.

(b) The Authority may presume that source specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

(c) 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.

(2) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of a Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with (a) times of visitor use of the Federal Class I area and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

(3) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. This includes any substance regulated as an air pollutant under WAC 173-460, NESHAPS, Section 112 of the Federal Clean Air Act Amendments or substance for which a primary or secondary National Ambient Air Quality Standard has been established and volatile organic compounds. "Air pollutant" means the same as "air contaminant".

(4) "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 various pesticides.

(5) "Allowable emissions" means the emission rate of a stationary source calculated using the maximum rated capacity of the source (unless the 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:

(a) The applicable standards as set forth in 40 CFR Part 60, ~~((or))~~ 61, or 63;

(b) Any applicable State Implementation Plan emission limitation including those with a future compliance date;

(c) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date; or

(d) The emission rate specified by an applicable regulatory order.

(6) "Ambient air" means the surrounding outside air.

(7) "Ambient air quality standard" (AAQS) means an established concentration, exposure time, and frequency of occurrence of an air contaminant or multiple air contaminants in the ambient air which shall not be exceeded.

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

(9) "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 sources 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 air pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Part 60, ~~((and))~~ Part 61, and Part 63 as they exist on ~~((May 7, 1993))~~ February 1, 1995, or their later enactments as adopted by reference by the Authority by rule. Emissions from any 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.

(10) "Best available retrofit technology (BART)" means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

(11) "Board" means the Board of Directors of the Southwest Air Pollution Control Authority.

(12) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit(s) in exchange for a decrease in emissions from another emissions unit(s), pursuant to RCW 70.94.155, and SWAPCA 400-120.

(13) "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.

(14) "Class I area" means any area designated pursuant to §§ 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas potentially affected by emissions from sources within SWAPCA jurisdiction:

Alpine Lakes Wilderness;
 Glacier Peak Wilderness;
 Goat Rocks Wilderness;
 Mount Adams Wilderness;
 Mount Rainier National Park;
 Mt. Hood Wilderness Area;
 Mt. Jefferson Wilderness Area.

(15) "Closure" means permanently stopping or terminating all processes at a facility. Such termination of processes shall result in no emissions of pollutants to the ambient air. Closure does not mean temporary shutdown of operations. A facility shall be considered "permanently closed" if operations have ceased and registration fees are not paid as set forth in SWAPCA 400-100 (2)(e). 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). Closure of a facility requires notification to SWAPCA in accordance with SWAPCA 400-100 (2)(d). New Source Review and applicable emission control technology requirements in accordance with current requirements for similar facilities will be required of the facility prior to restart if the annual registration fee is not paid.

(1((5))6) "Combustion and incineration sources" means emissions units using combustion for waste disposal, steam production, chemical recovery or other process requirements, but excludes open burning.

(1((6))7) "Commenced construction" means that an owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(1((7))8) "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.

(1((8))9) "Control Officer" means the Executive Director of the Southwest Air Pollution Control Authority.

((19))20) "Director" means the director of the Washington State Department of Ecology or duly authorized representative.

(2((0))1) "Dispersion technique" means a method which attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.

(2((+))2) "Ecology" means the Washington State Department of Ecology.

(2((2))3) "Emission" means a release of air contaminants into the ambient air.

(2((3))4) "Emission reduction credit (ERC)" means a credit granted pursuant to SWAPCA 400-131. This is a voluntary reduction in emissions beyond required levels of control. ERCs may be sold, leased, banked for future use or traded in accordance with applicable regulations. Emission reduction credits shall provide an incentive for reducing emissions below the required levels and to establish a framework to promote a market based approach to air pollution control.

(2((4))5) "Emission standard" and "emission limitation" mean a requirement established under the FCAA or Chapter 70.94 RCW or local regulation 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 source to assure continuous emission reduction and any design, equipment, work practice, or operational standard promulgated under the FCAA or Chapter 70.94 RCW.

(2((5))6) "Emissions unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the FCAA, Chapter 70.94 RCW or Chapter 70.98 RCW.

(2((6))7) "Excess emissions" means emissions of an air pollutant in excess of any applicable emission standard.

(2((7))8) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters (213.25 feet) or the calculated stack height described in SWAPCA 400-200(2).

(2((8))9) "Executive Director" means the Control Officer of the Southwest Air Pollution Control Authority.

((29))30) "Existing stationary facility" means a stationary source of air pollutants which has the potential to emit two hundred fifty tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted. For purposes of determining whether a stationary source is an existing stationary facility the term "building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual*, 19((72))87 (~~as amended by the 1977 Supplement~~).

(3((0))1) "Federal Clean Air Act (FCAA)" means the Federal Clean Air Act, also known as Public Law 88-206, 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.

(3((4))2) "Federal land manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

(3((2))3) "Fossil fuel-fired steam generator" means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(3((3))4) "Fugitive dust" means a type of particulate emission made airborne by forces of wind, human activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

(3((4))5) "Fugitive emissions" means emissions which do not pass and which could not reasonably be collected to pass through a stack, chimney, vent, or other functionally equivalent opening.

(3((5))6) "General process unit" means an emissions unit using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.

(37) "Good agricultural practices" means economically feasible practices which are customary among or appropriate to farms and ranches of a similar nature in the local area.

(3((6))8) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in SWAPCA 400-200 (2)(a)(ii).

(3((7))9) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

((38))40) "In operation" means engaged in activity related to the primary design function of the source.

((39))41) "Integral vista" means a view perceived from within a mandatory Class I federal area of a specific landmark or panorama located outside the boundary of the mandatory Class I federal area.

(4((0))2) "Lowest achievable emission rate (LAER)" means for any source that rate of emissions which reflects the more stringent of:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source. In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

(4((+))3) "Major modification" means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Federal Clean Air Act. Any net emissions increase that is considered significant for volatile organic compounds or oxides of nitrogen shall be considered significant for ozone. A physical change or change in the method of operation shall not include:

(a) Routine maintenance, repair, and replacement;

(b) Use of an alternative fuel or raw material by reason of an order under sections 2 (a) and (b) of the Energy Supply and Environmental Supply Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(c) Use of an alternative fuel by reason of an order or rule under section 125 of the FCAA, 42 U.S.C. 7425;

(d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(e) Use of an alternative fuel or raw material by a stationary source which:

(i) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, in a Prevention of Significant Deterioration permit or an Order of Approval for a Notice of Construction ((approval)) application; or

(ii) The source is approved to use under any federally enforceable notice of construction approval or a PSD permit issued by the Environmental Protection Agency;

(f) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976, in a Prevention of Significant Deterioration permit or an Order of Approval for a Notice of Construction ((approval)) application;

(g) Any change in ownership at a stationary source.

4((2))4) "Major stationary source" means:

(a) Any stationary source which:

(i) Emits or has the potential to emit one hundred tons per year or more of any air contaminant regulated by the Washington State or Federal Clean Air Acts;

(ii) Is located in a "marginal" or "moderate" ozone nonattainment area and which emits or has the potential to emit one hundred tons per year or more of volatile organic compounds or oxides of nitrogen;

(iii) Is located in a "serious" carbon monoxide nonattainment area where stationary sources contribute significantly to carbon monoxide levels and which emits or has the potential to emit fifty tons per year or more of carbon monoxide; or

(iv) Is located in a "serious" particulate matter (PM₁₀) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM₁₀ emissions.

(b) Any physical change that would occur at a stationary source not qualifying under (a) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself;

(c) A major stationary source that is major for VOCs or NO_x shall be considered major for ozone;

(d) The fugitive emissions of a stationary source shall not be included in determining whether it is a major stationary source, unless the stationary source belongs to one of the following categories of stationary sources or the source is a major stationary source due to (a)(iii) or (iv) of this subsection:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cements plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

- (xv) Carbon black plants (furnace process);
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants;
- (xxi) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels (12,600,000 gallons);
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;
- (xxvi) Fossil fuel-fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; and
- (xxvii) Any other stationary source category which, as of August 7, 1980, was being regulated under sections 111 or 112 of the Federal Clean Air Act.

(e) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, facility, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping 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*, 19((72))87 (~~as amended by the 1977 Supplement~~).

4((3))5 "Mandatory Class I federal area" means any area defined in Section 162(a) of the FCAA. The mandatory Class I federal areas potentially affected by emissions from sources within SWAPCA jurisdiction are as follows:

- Alpine Lakes Wilderness;
- Glacier Peak Wilderness;
- Goat Rocks Wilderness;
- Mount Adams Wilderness;
- Mount Rainier National Park;
- Mt. Hood Wilderness Area;
- Mt. Jefferson Wilderness Area.

4((4))6 "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor, usually to a less offensive odor.

4((5))7 "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant alteration of the chemical or physical properties of the material.

4((6))8 "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 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, and with rules implementing that section.

4((7))9 "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61 or Part 63.

((48))50 "Natural conditions" means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

((49))51 "Net emissions increase" means:

(a) The amount by which the sum of the following exceeds zero:

(i) Any increase in actual emissions from a particular change or change in method of operation at a source; and

(ii) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(b) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if the changes in actual emissions occur between the date ten years before construction on the particular change commences and the date that the increase from the particular change occurs.

(c) An increase or decrease in actual emissions is creditable only if:

(i) It occurred no more than one year prior to the date of submittal of a complete Notice of Construction application for the particular change, or it has been documented by an emission reduction credit, in which case the credit shall expire ten years after the date of original issue of the ERC. Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.

(ii) The Authority or Ecology has not relied on it in issuing any permit or Order of Approval for the source under regulations approved pursuant to 40 CFR 51 Subpart I or the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21, which order or permit is in effect when the increase in emissions from the particular change occurs.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is federally enforceable at and after the time that actual construction on the particular change begins;

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(iv) The Authority has not relied on it in issuing any permit, regulatory order or Order of Approval under regulations approved pursuant to 40 CFR 51 Subpart I, the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21 or Ecology or the Authority has not relied on it in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

5((0))2 "New source" means one or more of the following:

(a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted;

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

(c) Restart after a lapse in one year or more in payment of registration fees or operating permit fees;

(d) Restart after a period of five years of non-operation where registration or operating permit fees have been paid.

(5((4))3) "New Source Performance Standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60 and adopted by the Authority in SWAPCA 400-115.

(5((2))4) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a National Ambient Air Quality Standard or standards.

(5((3))5) "Notice of Construction application (NOC)" means a written application ~~((to request))~~ from the source by which the Authority records and tracks requests from registered and nonregistered sources for the purpose of obtaining information regarding proposed changes or activities at a source. Types of changes may include modifications, alterations, changes to process or control equipment, establishment of emission limits, installation of new sources, control technology determinations, PSD determinations and other items specified by the Authority. A Notice of Construction application shall be submitted to the Authority for review and approval ~~((øø))~~ prior to construction of a new source, modification of an existing stationary source or replacement or substantial alteration of control technology at an existing stationary source or portable source. A Notice of Construction application may be submitted to the Authority for activities not requiring New Source Review and shall not automatically impose New Source Review requirements. (For more information refer to SWAPCA 400-109.)

(5((4))6) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(5((5))7) "Open burning" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Open burning includes all forms of outdoor burning except those listed as exempt in SWAPCA 425-020. Wood waste disposal in wigwam burners is not considered open burning.

(5((6))8) "Order" or Regulatory Order means any order issued by 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, compliance schedule order, consent order, order of denial, order of violation, order of prevention, order of discontinuance, administrative order, and regulatory order.

(5((7))9) "Order of Approval" and "Approval Order" mean a regulatory order issued by 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 or portable source. Note: For more information refer to SWAPCA 400-230 (1)(a).

~~((58))60~~ "Particulate matter" or "particulates" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

~~((59))61~~ "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in 40 CFR Part 60 or by a test method specified in the Washington State Implementation Plan.

(6((0))2) "Parts per million (ppm)" means parts of a contaminant per million parts of gas or carrier medium, by volume. When calculating or measuring the ppm of a given gas or carrier stream, such measurement or calculation shall be exclusive of water and particulate matter.

(6((4))3) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

(6((2))4) "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.

(6((3))5) "PM₁₀ emissions" means finely divided solid or liquid material, including condensable 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 Washington State Implementation Plan.

(6((4))6) "Potential to emit" means the maximum capacity (i.e., design capacity) of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

(6((5))7) "Prevention of Significant Deterioration (PSD)" means the program set forth in SWAPCA 400-141 and WAC 173-400-141.

(6((6))8) "Projected width" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

(6((7))9) "Reasonably attributable" means attributable by visual observation or any other technique the Authority deems appropriate.

~~((68))70~~ "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and

the capital and operating costs of the additional controls. RACT requirements for any source or source category shall be adopted only after public notice and opportunity for comment are afforded. RACT shall apply to existing sources.

~~((69))71~~ "Regulatory order" means an order issued by the Authority to an air contaminant source which applies to that source, any applicable provision of Chapter 70.94 RCW, or the rules adopted thereunder, or, the regulations of the Authority. Note: For further clarification refer also to the definition of Order and Order of Approval and SWAPCA 400-230.

~~(7((0))2~~ "Significant" means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emission equal to or greater than any one of the following rates:

Pollutant	Tons/Year
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter (PM)	25
Fine particulate matter (PM ₁₀)	15
Volatile organic compounds (VOC)	40
Lead	0.6
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H ₂ S)	10
Total reduced sulfur (including H ₂ S)	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 SO ₂ and hydrogen chloride)	40

~~(7((+))3~~ "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of a Class I area as defined in Section 162(a) of the FCAA. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

~~(7((2))4~~ "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous and 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*, 19((72))87(~~as amended by the 1977 Supplement~~).

~~(7((3))5~~ "Source category" means all sources of the same type or classification as described in the *Standard Industrial Classification Manual*, 19((72))87(~~as amended by the 1977 Supplement~~).

~~(7((4))6~~ "Southwest Air Pollution Control Authority (SWAPCA)" or "Authority" means the local air pollution agency empowered to enforce and implement the Federal Clean Air Act (42 U.S.C. 7401, et seq.) and the Clean Air Washington Act (RCW 70.94) in Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties of Washington State.

~~(7((5))7~~ "Stack" means any emission point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

~~(7((6))8~~ "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

~~(7((7))9~~ "Standard conditions" means a temperature of 20 degrees C (68 degrees F) and a pressure of 29.92 inches (760 mm) of mercury except as otherwise specified.

~~((78))80~~ "State Implementation Plan, (SIP)" means a comprehensive plan developed/prepared by the Washington State Department of Ecology with assistance from the Southwest Air Pollution Control Authority, other regional air pollution control authorities and other interested planning and governing entities, and submitted to EPA for approval, which provides for implementation, maintenance and enforcement of the primary and secondary National Ambient Air Quality Standards.

~~((79))81~~ "Stationary source" means any building, structure, facility, or installation which emits or may emit any contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a non-road engine or non-road vehicle as defined in Section 216 of the FCAA.

~~(8((0))2~~ "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

~~(8((+))3~~ "Total reduced sulfur, (TRS)" means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA Method 16 or an approved equivalent method and expressed as hydrogen sulfide.

~~(8((2))4~~ "Total suspended particulate" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on July 1, 1992.

~~(8((3))5~~ "United States Environmental Protection Agency, (USEPA)" shall be referred to as EPA.

~~(86)~~ "Upgraded" is defined only for gasoline dispensing facilities and means the modification of a gasoline storage tank or piping to add cathodic protection, tank lining or spill and overfill protection that involved removal of ground or ground cover above a portion of the product piping. "Modification" of a gasoline dispensing facility means the same as "upgraded".

~~(8((4))7~~ "Visibility impairment" means any perceptible degradation in visibility (visual range, contrast, coloration) not caused by natural conditions.

~~(8((5))8~~ "Visibility impairment of Class I areas" means visibility impairment within the area and visibility impair-

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ment of any formally designated integral vista associated with the area.

(8)(6)9 "Volatile organic compound (VOC)" means:

(a) Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any organic compound other than the following, which have negligible photochemical activity: Acetone, methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,1-trichloro 2,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (CFC-22); trifluoromethane (FC-23); 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); and perfluorocarbon compounds which fall into these classes:

- (i) Cyclic, branched, or linear completely fluorinated alkanes;
- (ii) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations; and
- (iii) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(b) For the purpose of determining compliance with emission limits, VOCs will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC.

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.

AMENDATORY SECTION

SWAPCA 400-040 General Standards for Maximum Emissions

All sources and emissions units are required to meet the emission standards of this section. Where an emission standard listed in another section is applicable to a specific emissions unit, such standard shall take precedent over a general emission standard listed in this section. When two or more emissions units are connected to a common stack and the operator elects not to provide the means or facilities to sample emissions from the individual emissions units, and the relative contributions of the individual emissions units to the common discharge are not readily distinguishable, then the emissions of the common stack must meet the most restrictive standard of any of the connected emissions units. Further, all emissions units are required to use reasonably available control technology (RACT) which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of this regulation or any chapter of Title 173 WAC. Where current controls are determined to be less than RACT, the Authority

shall, as provided in (~~Section 8, Chapter 252, Washington State Laws of 1993~~) RCW 70.94.154, define RACT for each source or source category and issue a rule or regulatory order requiring the installation of RACT.

(1) **Visible emissions.** No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity as determined by certified observer in accordance with EPA Method 9 "Visual Determination of the Opacity of Emissions from Stationary Sources" as specified in 40 CFR 60 Appendix A except:

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

(b) When the owner or operator of a source supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed twenty percent.

(c) When two or more sources are connected to a common stack, the Authority may allow or require the use of an alternate time period if it is more representative of normal operations.

(d) When an alternate opacity limit has been established per RCW 70.94.331 (2)(c).

(2) **Fallout.** No person shall cause or permit the emission of particulate matter from any source to be deposited beyond the property under direct control of the owner(s) or operator(s) of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(3) **Fugitive emissions.** The owner or operator of any emissions unit engaging in materials handling, construction, demolition or any other operation which is a source of fugitive emission:

(a) If located in an attainment area and not impacting any nonattainment area, shall take reasonable precautions to prevent the release of air contaminants from the operation.

(b) If the emissions unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, shall be required to use reasonable and available control methods, which shall include any necessary changes in technology, process, or other control strategies to control emissions of the contaminants for which nonattainment has been designated.

(4) **Odors.**

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

(b) A scentometer No. 1 odor strength or equivalent dilution in residential and commercial areas shall not be exceeded.

(c) A scentometer No. 3 odor strength or equivalent dilution in all other land use areas shall not be exceeded.

Scentometer Readings

Scentometer No.	Concentration Range	
	No. of Thresholds	
0	1	to 2
1	2	to 8
2	8	to 32
3	32	to 128
4	128	

(d) A violation of this section shall have occurred when two measurements made within a period of one (1) hour, separated by at least fifteen (15) minutes, off the property surrounding the air contaminant source exceeds the scentometer limitations set hereunder.

(e) When the source is a manufacturing process, no violation of this section shall have occurred provided that Best Available Control Technology (BACT), Maximum Available Control Technology (MACT), or Lowest Achievable Emission Rate (LAER), as applicable, is provided and is operating in compliance with other applicable regulations and emission limits.

(f) When the source is using "good agricultural practices", as provided in RCW 70.94.640, no violation of this section shall have occurred.

(5) **Emissions detrimental to persons or property.** No person shall cause or permit the emission of any air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.

(6) **Sulfur dioxide.**

No person shall cause or permit the emission of a gas containing sulfur dioxide from any emissions unit in excess of one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen or twelve percent CO₂ as required by the applicable emission standard for combustion sources, and based on the average of any period of sixty consecutive minutes, except:

(a) When the owner or operator of an emissions unit supplies emission data and can demonstrate to the Authority that there is no feasible method of reducing the concentration to less than one thousand ppm (on a dry basis, corrected to seven percent oxygen for combustion sources) and that the state and federal ambient air quality standards for sulfur dioxide will not be exceeded. In such cases, the Authority may require specific ambient air monitoring stations be established, operated, and maintained by the owner or operator at mutually approved locations. All sampling results shall be made available upon request and a monthly summary shall be submitted to the Authority.

(b) When a source limits such emission by a combination of constant emission controls and dispersion techniques approved by the authority.

(7) **Concealment and masking.** No person shall cause or permit the installation or use of any means which conceals or masks an emission of an air contaminant which would otherwise violate any provisions of this section.

(8) **Fugitive dust sources.**

(a) The owner or operator of a source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions.

(b) The owner(s) or operator(s) of any existing source(s) of fugitive dust that has been identified as a significant contributor to a PM₁₀ nonattainment area shall be required to use reasonably available control technology (RACT) to control emissions. Significance will be determined by the criteria found in SWAPCA 400-113(3).

AMENDATORY SECTION**SWAPCA 400-050 Emission Standards for Combustion and Incineration Units**

(1) Combustion and incineration emissions units shall meet all requirements of SWAPCA 400-040 and, in addition, no person shall cause or permit emissions of particulate matter in excess of 0.23 gram per dry cubic meter at standard conditions (0.1 grain/dscf), except, for an emissions unit combusting wood derived fuels for the production of steam. No person shall allow or permit the emission of particulate matter from an emissions unit combusting wood derived fuels in excess of 0.46 gram per dry cubic meter at standard conditions (0.2 grain/dscf), as measured by EPA Method 5 or other acceptable sampling methods approved in advance by the Authority (~~including but not limited to procedures contained in "Source Test Manual - Procedures For Compliance Testing", State of Washington, Department of Ecology, as of July 12, 1990, on file at the Authority).~~

(2) For any incinerator, no person shall cause or permit emissions in excess of one hundred ppm of total carbonyls as measured by applicable sampling methods or other acceptable procedures approved in advance by the Authority including but not limited to those methods contained in "Source Test Manual - Procedures for Compliance Testing", State of Washington, Department of Ecology, on file at the Authority. Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from the Authority.

(3) Measured concentrations for combustion and incineration sources shall be adjusted in accordance with the following listing. Source categories not identified shall have measured concentrations for volumes corrected to seven percent oxygen, except when the Authority determines that an alternate oxygen correction factor is more representative of normal operations. Concentrations for the following sources shall normally be adjusted to the following oxygen concentrations: gas, diesel, & oil fired boilers: 3%; medical/hospital waste incinerators: 12%; natural gas turbines: 15%.

SWAPCA 400-052 Stack Sampling of Major Combustion Sources

(1) **General Requirements.** No owner or operator of a major source which is also a combustion or incineration source shall operate the source except in compliance with the requirements of this section.

(2) **Applicability.** All sources that are designated as major as a result of the operation of a combustion or incineration unit (or units) where the combined emissions of a single pollutant from the combustion or incineration unit (or units) are 100 tons per year or more of oxides of nitrogen, carbon monoxide, particulate matter, sulfur dioxide or volatile organic compounds.

(3) **Emissions Sampling Requirements.** The owner or operator of a major combustion or incineration source identified in (2) shall cause or conduct emissions tests at least once every two calendar years to quantify emissions of the pollutants for which the source has been designated major. In the event that the combined emissions of a single pollutant from several emissions units establishes the source as major, emissions tests shall be conducted at least once every two calendar years for all emissions units which emit 30 percent or more of the emissions of the pollutant for which the source has been designated major.

(4) **Sampling Methods.** All emissions tests shall be conducted in accordance with the specific test methods approved in advance by the Authority.

(5) **Additional Requirements.** Nothing in this section shall be construed as to limit the ability of the Authority to impose additional or supplemental emissions testing requirements for any emissions unit within the Authority's jurisdiction in accordance with SWAPCA 400-105(4).

(6) **Alternative Sampling Schedules.** The Authority may on a case-by-case basis, accept or require an alternative emissions sampling schedule provided sufficient source-specific sampling data exists to adequately demonstrate that the source is capable of continuous compliance with any emission standards that are applicable to the source. Alternative sampling schedules shall be based upon measured emissions relative to the applicable emissions limitation. The Authority may reduce the frequency of the required emissions testing.

(7) **Continuous Emissions Monitors.** The use of continuous emissions monitors shall be acceptable as an alternative emissions sampling schedule.

AMENDATORY SECTION

SWAPCA 400-060 Emission Standards for General Process Units

General process units shall meet all applicable provisions of SWAPCA 400-040 and, no person shall cause or permit the emission of particulate material from any general process operation in excess of 0.23 grams per dry cubic meter at standard conditions (0.1 grain/dscf) of exhaust gas. EPA test methods from 40 CFR Appendix A which are adopted by reference and any other appropriate test procedures approved in advance by the Authority (~~including but not limited to the methods and procedures contained in Ecology's "Source Test Manual - Procedures For Compliance Testing" as of July 12, 1990,~~) shall be used to determine compliance.

AMENDATORY SECTION

SWAPCA 400-070 Emission Standards for Certain Source Categories

The Authority finds that the reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the maximum allowable standards for emissions units within the categories listed. (~~Except as specifically provided in this section, such emissions units shall not be required to meet the provisions of SWAPCA 400-040, SWAPCA 400-050 and SWAPCA 400-060.~~)

(1) **Wigwam burners.**

(a) The use of wigwam ("tee-pee", "conical", or equivalent type) burners is prohibited effective January 1, 1994.

(2) **Hog fuel boilers.**

(a) Hog fuel boilers shall meet all provisions of SWAPCA 400-040 and SWAPCA 400-050(1), except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary for efficient operation of these units. This practice is to be scheduled for the same specific times each day and the Authority shall be notified of the schedule or any changes.

(b) All hog fuel boilers shall utilize RACT and shall be operated and maintained to minimize emissions.

(3) **Orchard heating.**

(a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.

(b) It is unlawful to burn any material or operate any orchard-heating device that causes a visible emission exceeding twenty percent opacity, except during the first thirty minutes after such device or material is ignited.

~~((4) Grain elevators. Any grain elevator which is primarily classified as a materials handling operation shall meet all the provisions of SWAPCA 400-040 (1), (2), (3), (4), (5) and (8)).~~

~~((5)4) Catalytic cracking units.~~

(a) All existing catalytic cracking units shall meet all provisions of SWAPCA 400-040 (~~((1), (2), (3), (4), (5), (6), (7) and (8))~~):

(i) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity.

(ii) No person shall cause or permit the emission of particulate material in excess of 0.46 grams per dry cubic meter at standard conditions (0.20 grains/dscf) of exhaust gas.

(b) All new catalytic cracking units shall install BACT which may be more stringent than the provisions of SWAPCA 400-115.

~~((6) Other wood waste burners.~~

~~(a) Wood waste burners not specifically provided for in this section shall meet all provisions of SWAPCA 400-040.~~

~~(b) Such wood waste burners shall utilize RACT and shall be operated and maintained to minimize emissions.~~

~~((7)5) Sulfuric acid plants.~~ No person shall cause to be discharged into the atmosphere from a sulfuric acid plant, any gases which contain acid mist, expressed as H₂SO₄, in excess of 0.15 pounds per ton of acid produced. Sulfuric acid production shall be expressed as one hundred percent H₂SO₄.

(6) Gasoline dispensing facilities. All gasoline dispensing facilities shall meet all the provisions of SWAPCA 400-110(8) and SWAPCA 491 "Emission Standards and Controls for Sources Emitting Gasoline Vapors".

(7) Abrasive blasting. (a) Abrasive blasting shall be performed inside a booth or structure designed to capture the blast grit, overspray, and removed material except that outdoor blasting of structures or items too large to be

reasonably handled indoors or in an enclosure shall employ control measures such as curtailment during windy periods, wet blasting, and/or enclosure of the area being blasted with tarps.

(b) Outdoor blasting shall be performed with either steel shot or an abrasive material containing less than one percent (by mass) which would pass through a No. 200 sieve.

(c) All abrasive blasting with sand shall be performed inside a blasting booth, enclosure or structure designed to capture fugitive particulate matter.

(d) All abrasive blasting of materials that have a coating or that may contain a substance that is identified as a toxic air pollutant in WAC 173-460 or a hazardous substance shall be analyzed prior to blast operations. If a toxic or hazardous material is present in the blast media or removed media, all material shall be handled and disposed of in accordance with applicable regulations.

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

SWAPCA 400-074 Gasoline Transport Tankers

(1) Each owner(s) and/or operator(s) of a gasoline transport tank doing business within the designated ozone non-attainment area of SWAPCA jurisdiction shall register the transport tank with SWAPCA prior to being placed into service. Such registration shall be made annually with SWAPCA.

(2) Each registered gasoline transport tanker shall pay an annual registration fee in accordance with the schedule provided in SWAPCA 400-100 (3)(a)(i). Each transport tanker shall have its own registration sticker, certification test and shall be assessed a separate registration fee.

(3) Prior to registration, SWAPCA shall review the leak test certification documentation from the testing company required under SWAPCA 490-202(3). Upon demonstration of a successful leak test and payment of registration fees, SWAPCA shall issue a registration sticker that shall be applied to the tanker.

(4) The owner(s) and/or operator(s) of a gasoline loading or unloading facility shall only allow the transfer of gasoline between the facility and a transport tank when a current leak test certification for the transport tank is on file with the facility or a valid SWAPCA registration sticker is displayed on the tank(s).

(5) Each owner(s) and/or operator(s) of a petroleum product transport tank doing business within SWAPCA jurisdiction shall notify SWAPCA of a change in status of a tanker. Change in status shall include sale, operating only out of SWAPCA jurisdiction, out of service, or other similar change. Such notification shall be made in writing to SWAPCA within 10 days of the change of status.

AMENDATORY SECTION

SWAPCA 400-075 Emission Standards for Sources Emitting Hazardous Air Pollutants

(1) The emission standards for hazardous air pollutants promulgated by the United States Environmental Protection Agency (USEPA) as in effect February 1((6)), 199(3))5, as

contained in Title 40, Code of Federal Regulations, Part 61 and Part 63, are adopted by reference. The term "Administrator" in 40 CFR Part 61 shall mean the Administrator of EPA, the Director of Ecology and the Control Officer of the Authority.

(2) The Authority may require that source tests be conducted (~~conduct source tests~~) and require access to records, books, files, and other information specific to the control, recovery or release of those pollutants regulated under 40 CFR Part 61 and/or Part 63 in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.

(3) Source testing, monitoring, and analytical methods for sources of hazardous air pollutants shall conform with the requirements of Title 40, Code of Federal Regulations, Part 61 and/or Part 63, as in effect February 1((6)), 199(3))5.

(4) This section shall not apply to any source operating pursuant to a waiver granted by EPA or an exemption granted by the President of the United States during the effective life of such waiver or exemption.

(5) Specific standards of performance referred to as Maximum Achievable Control Technology (MACT) have been promulgated by the USEPA. As of February 1, 1995 the following standards of performance as set forth in 40 CFR 63 are hereby adopted by reference:

- Subpart A National Emission Standards for Hazardous Air Pollutants for Source Categories: General Provisions (40 CFR 63.1 et seq.)
- Subpart B National Emission Standards for Hazardous Air Pollutants for Source Categories: Equivalent Emission Limitation By Permit (ref. 40 CFR 63.50 et seq.)
- Subpart D National Emission Standards for Hazardous Air Pollutants for Source Categories: Early Reduction Program (ref. 40 CFR 63.70 et seq.)
- Subpart F National Emission Standards for Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry (ref. 40 CFR 63.100 et seq.)
- Subpart G National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater (ref. 40 CFR 63.110 et seq.)
- Subpart H National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks (ref. 40 CFR 63.160 et seq.)
- Subpart I National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks (ref. 40 CFR 60.190 et seq.)
- Subpart L National Emission Standards for Hazardous Air Pollutants for Coke Oven Operations (ref. 40 CFR 63.300 et seq.)
- Subpart M National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities (ref. 40 CFR 63.320 et seq.)

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<u>Subpart N</u>	<u>National Emission Standards for Hazardous Air Pollutants from Hard and Decorative Electroplating and Anodizing Operations (ref. 40 CFR 63.340 et seq.)</u>
<u>Subpart O</u>	<u>National Ethylene Oxide Air Emission Standards for Commercial Sterilizers (ref. 40 CFR 63.360 et seq.)</u>
<u>Subpart R</u>	<u>National Emission Standards for Hazardous Air Pollutants for Gasoline Distribution Operations (Stage I) (ref. 40 CFR 63.420 et seq.)</u>
<u>Subpart Q</u>	<u>National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers (ref. 40 CFR 63.400 et seq.)</u>
<u>Subpart T</u>	<u>National Emission Standards for Hazardous Air Pollutants for Halogenated Solvents Cleaning Operations (ref. 40 CFR 63.460 et seq.)</u>
<u>Subpart EE</u>	<u>National Emission Standards for Hazardous Air Pollutants for Magnetic Tape Manufacturing Operations (ref. 40 CFR 63.710 et seq.)</u>

NEW SECTION**SWAPCA 400-076 Emissions Standards for Sources Emitting Toxic Air Pollutants**

(1) The term toxic air pollutants (TAP) or toxic air contaminant means any air pollutant listed in WAC 173-460-150 or 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 or 173-460-160. The Chemical Abstract Service (CAS) number shall be the primary means used to specifically identify a substance. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

(2) All sources subject to the requirements of SWAPCA 400-110, 400-112, 400-113 or 400-114 shall be subject to the requirements of WAC 173-460. All sources subject to review under SWAPCA 400 shall also be reviewed for applicability and/or compliance under WAC 173-460.

(3) The New Source Review fee schedule provided in SWAPCA 400-110 shall be applicable to all sources subject to WAC 173-460. The fees identified in SWAPCA 400-110 shall not be duplicate to any fees collected under WAC 173-460. Only a single fee shall apply to sources that are subject to SWAPCA 400 and WAC 173-460.

(4) A Notice of Construction is a written application to request approval for construction or modification of an air contaminant source. If a Notice of Construction application is required under both SWAPCA 400 and WAC 173-460, then the applications shall be combined. All sources subject to WAC 173-460 shall file a Notice of Construction application in accordance with SWAPCA 400-110 "New Source Review".

(5) Authority actions including issuance of regulatory orders and enforcement actions for sources subject to WAC 173-460 shall be the same as those actions for sources subject to and identified in SWAPCA 400.

(6) Sources subject to WAC 173-460 shall be subject to the registration requirements of SWAPCA 400-100. Where a source is subject to both SWAPCA 400 and WAC 173-460, only one registration shall be provided and only one fee shall be collected in accordance with the schedule outlined in SWAPCA 400-100.

AMENDATORY SECTION**SWAPCA 400-081 Startup and Shutdown**

(1) In promulgating technology-based emission standards and making control technology determinations (e.g., BACT, RACT, LAER, BART) the Authority shall consider any physical and operational constraints on the ability of a source to comply with the applicable standard during startup or shutdown.

(2) Where the Authority determines that the source or source category, operated and maintained in accordance with good air pollution control practice, is not capable of achieving continuous compliance with an emission standard during startup or shutdown, the Authority shall include in regulatory orders or the Operating Permit, appropriate emission limitations, operating parameters, or other criteria to regulate the performance of the source during startup or shutdown conditions.

(3) In modeling the emissions of a source for purposes of demonstrating attainment or maintenance of national ambient air quality standards, the Authority shall take into account any incremental increase in allowable emissions under startup or shutdown conditions authorized by an emission limitation or other operating parameter adopted under this section.

(4) Any emission limitation or other parameter adopted under this section which increases allowable emissions during startup or shutdown conditions over levels authorized in the Washington State Implementation Plan shall not take effect until approved by EPA as a SIP amendment.

AMENDATORY SECTION**SWAPCA 400-09(4)1 Voluntary Limits on Emissions**

(1) Voluntary limits on emissions and limitations on potential to emit may be requested by a source by submittal of a complete Notice of Construction application to the Authority as provided in SWAPCA 400-109. Confidential information shall be identified as set forth in SWAPCA 400-270. Upon request by the owner or operator of a source, and completion of review of the application by the Authority, the Authority shall issue a regulatory order which reduces that source's potential to emit to an amount agreed to by the owner or operator and the Authority.

(2) A condition contained in an order issued under this section shall be less than the source's otherwise allowable annual emissions of that air contaminant under all applicable requirements of Chapter 70.94 RCW and the FCAA, including any standard or other requirement provided for in the Washington State Implementation Plan.

(3) Any order issued under this section shall include monitoring, recordkeeping and reporting requirements sufficient to ensure that the source complies with any emission limit established under this section. Monitoring requirements shall use terms, test methods, units, averaging

periods, and other statistical conventions consistent with the requirements of SWAPCA 400-105.

(4) Any order issued under this section shall be subject to the public notice and comment procedures under SWAPCA 400-171.

(5) The terms and conditions of a regulatory order issued under this section shall be federally enforceable, upon approval of this section as an element of the Washington State Implementation Plan. Any proposed increase in emissions above limits contained in an order issued under this section shall require revision or revocation of the order.

(6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

AMENDATORY SECTION

SWAPCA 400-100 Registration Requirements and Operating Permit(s) Fees

(1) Applicability. All sources or emission units that emit contaminants to the ambient air shall be registered with the Authority in accordance with this section as set forth in RCW 70.94.151 except those sources ~~((not))~~ specifically exempted by SWAPCA 400-100(3) and SWAPCA 400-101 ~~((shall register with the Authority in accordance with this section)).~~

(2) General requirements ~~((for registration)).~~

(a) A unique registration number shall be assigned to all sources required to be registered with SWAPCA and a ((A)) separate registration fee shall be provided for each air contaminant emission unit; provided that, an owner has the option to register a process with a detailed inventory of air contaminant sources and emissions related to the process((+ provided further that, an owner need not provide a separate registration for identical facilities on the same premises)) A registration fee shall not be collected for exempt emission units identified at SWAPCA 400-101.

(b) Each registration submittal shall be certified for truth, accuracy and completeness by the owner or operator.

(c) Registration information shall be provided on forms supplied by the Authority and the forms shall be ~~((completed))~~ verified by the source and returned to the Authority with payment in full within the time specified by the Authority.

(d) Annual registration fees that are unpaid after July 31 for the effective year shall be considered to be in default and the source shall be considered to be out of business and in violation of item (d) above for failure to report closure. At the discretion of the Control Officer, all Orders of Approval for existing equipment shall become invalid for this source and the source shall be required to submit a Notice of Construction and applicable fees in accordance with SWAPCA 400-110 prior to resuming operations. Prior to taking actions to 'un-register' a source, the source must be notified by certified letter. The registration program covers the period of July 1 through June 30. Sources or emission units operating less than six months in the current registration period that are terminated, shall not be liable for registration fees. This does not apply to temporary or portable sources.

~~((d))~~ e) A report of closure or discontinuance shall be filed with the Authority within ninety days after operations producing emissions permanently cease at any source ((within the above categories)). (Refer to SWAPCA 400-230 for issuance of an Order of Discontinuance.)

(3) Registration Fees. Before the Control Officer may register any emission unit, the use of which may emit contaminants to the atmosphere, an annual registration fee of \$100.00 for each emission unit shall be paid. For new stationary sources, registration fees for the first year are included as part of the fees collected for a Notice of Construction application and shall not be considered in addition to those fees.

(a) Exceptions:

(i) An annual registration fee of \$50.00 shall be charged to each gasoline transport tank.

(ii) The registration fee for a small operation may be waived by ~~((administrative action))~~ the Control Officer provided sufficient demonstration of circumstances is presented, subject to the discretion of the Control Officer.

(iii) Emissions units and activities specifically exempted under SWAPCA 400-101 are not required to comply with the requirements of this section.

(iv) Operating Permit Program sources, as defined in RCW 70.94.030(17) shall pay an operating permit fee in accordance with SWAPCA 400-100(5). Operating Permit Program sources, as defined in RCW 70.94.030(17) are not required to comply with the registration requirements of this section after EPA grants interim or final approval of the SWAPCA Operating Permit Program pursuant to 40 CFR Part 70.

~~((v))~~ Prior to EPA approval of the SWAPCA Operating Permit Program, Operating Permit Program sources, as defined in RCW 70.94.030(17) shall pay a registration fee in accordance with SWAPCA 400-100(5).)

~~((4))~~ The owner or operator of each source within the following source categories that does not hold an Operating Permit shall register the source with the Authority:

- ~~(1) Agricultural drying and dehydrating operations;~~
- ~~(2) Asphalt plants;~~
- ~~(3) Beverage can surface coating operations;~~
- ~~(4) Bulk gasoline terminals;~~
- ~~(5) Cattle feedlots with facilities for one thousand or more cattle;~~
- ~~(6) Chemical plants;~~
- ~~(7) Ferrous foundries;~~
- ~~(8) Fertilizer plants;~~
- ~~(9) Flexible vinyl and urethane coating and printing operations;~~
- ~~(10) Grain handling, seed processing, pea and lentil processing facilities;~~
- ~~(11) Metallic mineral processing plants;~~
- ~~(12) Mineralogical processing plants;~~
- ~~(13) Nonferrous foundries;~~
- ~~(14) Other metallurgical processing plants;~~
- ~~(15) Petroleum refineries;~~
- ~~(16) Power boilers using coal, hog fuel, oil, or other solid or liquid fuel;~~
- ~~(17) Pressure sensitive tape and label surface coating operations;~~
- ~~(18) Rendering plants;~~
- ~~(19) Scrap metal operations;~~

~~(20) Synthetic organic chemical manufacturing industries;~~

~~(21) Sulfuric acid plants;~~

~~(22) Synthetic fiber production facilities;~~

~~(23) Veneer dryers;~~

~~(24) Wood waste incinerators;~~

~~(25) Other incinerators designed for a capacity of one hundred pounds per hour or more;~~

~~(26) Stationary internal combustion engines rated at five hundred horse power or more;~~

~~(27) Sawmills, including processing for lumber, plywood, shake, shingle, pulpwood insulating board, or any combination thereof;~~

~~(28) Any category of stationary sources subject to a federal standard of performance (NSPS) under 40 CFR Part 60, other than Subpart AAA (Standards of Performance for New Residential Wood Heaters);~~

~~(29) Any source which emits a contaminant subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS);~~

~~(30) Any major stationary source.~~

~~(31) Dry cleaning establishments using petroleum solvents and/or perchloroethylene solvent.~~

~~(32) Any source not specifically exempted in SWAPCA 400-101.)~~

~~((5)4) **Operating Permit Fees.** Fee determination and certification for sources subject to 70.94.161 RCW requirements.~~

(a) **Applicability.** The owner or operator of all sources subject to the requirement to obtain an Operating Permit under 40 CFR 70 or 70.94.161 RCW, shall pay an annual fee, or the equivalent over some other period as approved, subject to the discretion of the Control Officer, sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the Operating Permit Program requirements as specified in this section.

(b) **Pollutants for which fees will be assessed.**

(1) A volatile organic compound.

(2) Each pollutant regulated under Section 7411 or 7412 of the 1990 Federal Clean Air Act Amendments.

(3) Each pollutant for which a national primary ambient air quality standard has been promulgated except that carbon monoxide shall be excluded from this reference. PM₁₀ emissions will be utilized for purposes of calculating particulate matter emissions when such data is provided by the 40 CFR Part 70 source. Source test data is required to demonstrate the PM₁₀ portion of total particulate matter emissions.

(4) Emissions of each regulated pollutant emitted in excess of 7500 tons from a source shall be excluded from fee assessment.

(c) **Program cost projections.** The Authority shall prepare an Operating Permit Program budget each year based on a projected workload evaluation. Only fee eligible activities as specified in SWAPCA 400-100(f) and Ecology's development and oversight costs, as ~~((defined in Section 8, Chapter 252, Washington State Laws of 1993))~~ provided in RCW 70.94.162 shall be considered in the workload analysis. The projected budget shall be submitted to the Authority's Technical Advisory Council, as described in SWAPCA 400-172, for comments. The Technical Advisory Council shall be given an opportunity to provide input

regarding the projected budget. The Control Officer shall evaluate all comments and revise the projected budget where deemed appropriate. After consideration of the comments, the Control Officer shall submit the proposed budget to the Board of Directors for approval. The approved budget shall be used in the equations below to determine the Operating Permit Program fees. The Authority shall publish the proposed and approved budgets and workload analysis in the Permit Register.

(d) **Three part fee assessment methodology.** Operating Permit Program fees shall be determined using a three part fee assessment methodology as described below:

(1) **Participation Fee.** Fees sufficient to cover one-third of the Board approved Operating Permit Program budget shall be assessed such that each source shall pay an equal share. The total Operating Permit Program budget shall be divided by three. This amount shall be further divided by the number of 40 CFR Part 70 sources within the Authority's jurisdiction. Participation fees shall be equal in amount for each 40 CFR Part 70 source. The participation portion of the fee shall be assessed according to the following formula:

$$PF = B \div 3 \div n, \text{ where;}$$

PF = Participation fee portion of total fee;

B = The total Authority budget for the Operating Permit Program;

n = The number of 40 CFR Part 70 sources.

(2) **Emissions Fee.** Fees sufficient to cover one-third of the budget shall be assessed such that each source shall pay an amount equal to that source's portion of the total annual emissions of the fee applicable pollutants from all 40 CFR Part 70 sources within the Authority's jurisdiction. The total Operating Permit Program budget shall be divided by three. The ratio of each source's annual emissions (in tons) to the total annual emissions of fee applicable pollutants emitted by all 40 CFR Part 70 sources within the Authority's jurisdiction shall be paid by the owner or operator of each source. The emissions portion of the fee shall be assessed according to the following formula:

$$EF = B \div 3 * SE \div TE, \text{ where:}$$

EF = Emissions fee portion of total fee;

B = The total Authority budget for the Operating Permit Program;

SE = The sum of annual emissions of fee applicable pollutants in tons per year from the individual 40 CFR Part 70 source;

TE = The sum of annual emissions of fee applicable pollutants in tons per year from all 40 CFR Part 70 sources.

(3) **Complexity Fee.** Fees sufficient to cover one-third of the budget shall be assessed such that each 40 CFR Part 70 source shall pay an amount equal to that source's portion of the total emissions units at all 40 CFR Part 70 sources within the Authority's jurisdiction. The total Operating Permit Program budget shall be divided by three. The ratio of each source's emissions units to the total number of emissions units located at all 40 CFR Part 70 sources within the Authority's jurisdiction shall be paid by the owner or

operator of each source. The complexity portion of the fee shall be assessed according to the following formula:

CF = $B \div 3 * SU \div TU$, where:

- CF = Complexity fee portion of total fee;
 B = The total Authority budget for the Operating Permit Program;
 SU = The number of emission units at a source;
 TU = The number of emissions units at all 40 CFR Part 70 sources.

(4) **Total Fee:** The amount of the annual assessed fees for each 40 CFR Part 70 source shall be the sum of the participation, emissions and complexity fee portions (PF+EF+CF = Total Fee). The sum of the total fees for all 40 CFR Part 70 sources within the Authority's jurisdiction shall be equal in amount to the Board adopted budget for the Operating Permit Program.

(e) Accountability.

(1) The sum of the fees assessed by the Authority to all sources required to obtain Operating Permits within the Authority's jurisdiction shall not exceed the cost of developing and administering the program. All fees collected from permit program sources (~~pursuant to Section 6 of Chapter 252, Laws of 1993 (State of Washington))~~ as provided in RCW 70.94.162, shall be deposited in a dedicated air operating permit account. Such fees shall be used exclusively to support and administer the operating permit program.

(2) The Authority shall keep a record of all reasonable (direct and indirect) costs to develop and administer the Operating Permit Program as specified in 40 CFR Part 70. This information shall be used by the Authority to develop the Operating Permit Program budget specified in section (3) above. The information obtained from tracking revenues, time and expenditures shall not provide a basis for challenge to the amount of an individual source's fee.

(3) In the event that the assessed fees exceed the cost of developing and administering the Operating Permit Program, such excess fees shall be used to develop and administer the Operating Permit Program in the next subsequent year. The amount of the excess fees shall be deducted from the projected budget of the next subsequent year prior to fee assessment for the subsequent year.

(f) Fee eligible activities.

(1) Preapplication assistance and review of an application and proposed compliance plan for a permit, permit revision or permit renewal;

(2) Source inspections, testing and other data gathering activities necessary for development of a permit, permit revision or renewal;

(3) Acting on an application for a permit, permit revision or renewal, including the costs of developing an applicable requirement as part of the processing of a permit, permit revision or renewal, preparing a draft permit and fact sheet and preparing a final permit, but excluding the costs of developing BACT, LAER, BART or RACT requirements for criteria and toxic air pollutants;

(4) Notifying and soliciting, reviewing and responding to comment from the public and contiguous states and tribes, conducting public hearings regarding the issuance of a draft permit and other costs of providing information to the public regarding operating permits and the permit issuance process;

(5) Modeling necessary to establish permit limits or to determine compliance with permit limits;

(6) Reviewing compliance certifications and emission reports, conducting related compilation and reporting activities;

(7) Conducting compliance inspections, complaint investigations and other activities necessary to ensure that a source is complying with permit conditions;

(8) Administrative enforcement activities and penalty assessment, excluding the costs of proceedings before the Pollution Control Hearings Board (PCHB) and all costs of judicial enforcement;

(9) The share attributable to permitted sources to the development and maintenance of emissions inventories;

(10) The share attributable to permitted sources of ambient air quality monitoring and associated recording and reporting activities;

(11) Training for permit administration and enforcement;

(12) Fee determination, assessment and collection, including the costs of necessary administrative dispute resolution and enforcement;

(13) Required fiscal audits, periodic performance audits and reporting activities;

(14) Tracking of time, revenues and expenditures and accounting activities;

(15) Administering the permit program including costs of clerical support, supervision and management;

(16) Provision of assistance to small business under jurisdiction of SWAPCA as required under Section 507 of the Federal Clean Air Act; and

(17) Other activities required by operating permit regulations issued by EPA under the Federal Clean Air Act.

(g) Late Fee Payments. Fees shall be paid in accordance with the schedule of payment agreed upon in advance by the Control Officer and each operating permit source. Delinquent fees are subject to a late fee equal to three times the operating permit fee. The penalties authorized by this subsection are additional to and in no way prejudice SWAPCA's ability to exercise other civil and criminal remedies, including authority to revoke a source's operating permit for failure to pay all or part of its permit fee.

(h) Schedules of Payment. A source shall be allowed to pay its annual operating permit fees in one, two or four installments. Each schedule of payment shall specify the terms and dates of payments.

(i) Transfer of Ownership. Transfer of ownership of a source shall not affect that source's obligation to pay operating permit fees. Any liability for fee payment, including payment of delinquent fees and other penalties shall survive any transfer of ownership of a source.

(5) Inspections.

(a) Periodic onsite inspections of emission units and sources shall be allowed to verify compliance with applicable requirements, regulations, orders or rules governing the processes, equipment, or emissions from a source as set forth in RCW 70.94.200.

(b) Authority personnel or representatives shall have the authority to enter at reasonable times upon any private or public property excepting non-multiple unit private dwellings housing two families or less for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants to the atmosphere.

(c) No person shall refuse entry or access to Authority personnel who request entry for the purpose of inspection, who present appropriate credentials.

(d) No person shall obstruct, hamper or interfere with any such inspection.

AMENDATORY SECTION

SWAPCA 400-101 Sources Exempt from Registration Requirements

All air contaminant emissions units shall be registered with the Authority except for the emissions units listed in this section. In the event that a registered source has any of these emissions units at a location that is otherwise required to be registered or obtain an operating permit, the Authority may require that these emissions units be included on the permit or registration. However, registration fees shall not be assessed for any of the exempt emissions units. Any source exempted from registration under this section shall maintain sufficient documentation acceptable to the Authority that the source is entitled to exemption under this section. Any source exempted from registration under this section shall also be considered exempt from the requirements of SWAPCA 400-110, 400-112, 400-113, and 400-114. For the purpose of identifying sources or emission units exempt from registration, the source's or emission unit's potential to emit shall be used as the basis for emissions. All exempt emission units shall be identified on an Order of Authorization to Operate for an otherwise registered source (refer to SWAPCA 400-109). An exemption for an entire facility or source shall be valid only if the combined emissions from all emission units at that site or facility are less than 1.0 ton per year for criteria pollutants and less than the Small Quantity Emission Rate for each toxic air pollutant identified in WAC 173-460. If any exemption threshold is exceeded for an emission unit or units, either individually or combined, the source or emission unit(s) shall not be considered to be exempt.

List of Exempt Emission Units or Sources as a Single Source or Emission Unit:

(1) Air conditioning or ventilating systems designed for space heating and cooling which do not exhaust to the atmosphere contaminants generated by or released from process equipment.

(2) Any commercial or industrial manufacturing operation or business or process(es) associated with such operation or business which emits less than one ton per year combined of nitrogen oxides, carbon monoxide, PM₁₀, sulfur dioxide and volatile organic compounds from all emissions units combined. The one ton exemption does not apply to emissions of toxic air pollutants. Sources or emission units with emissions of toxic air pollutants to the ambient air may be exempted only if the annual emissions quantity for each toxic air pollutant is below the Small Quantity Emission Rate (annual rate) for each toxic air pollutant emitted as identified in WAC 173-460.

(3) Any commercial or industrial manufacturing operation or business or process(es) associated with such operation or business which is of insufficient stature to trigger a new source review fee assessment, from all emission units combined, as specified in Table A under SWAPCA 400-110.

(4) Asphalt roofing and application equipment (not manufacturing or storage equipment).

(5) Fuel burning equipment unless waste-derived fuel is burned, which:

(a) is used solely for a private dwelling serving less than five families; or

(b) has an energy input of less than 2 million Btu per hour.

(6) Fuel burning equipment used exclusively for space heating other than boilers.

(7) Insecticide, pesticide or fertilizer spray equipment.

(8) Laundering devices, dryers, extractors or tumblers for fabrics using water solutions of bleach and/or detergents.

(9) Portable, manually operated welding, brazing or soldering equipment when used at other than the owner's principal place of business.

(10) Welding stations involved solely in the repair and maintenance of a facility. This exemption does not extend to manufacturing operations where welding is an integral part of the manufacturing process.

~~(1((0))1)~~ Food preparation facilities, establishments or equipment.

~~(1((+))2)~~ Retail paint sales establishments (not including manufacturing).

~~(1((2))3)~~ Sampling connections used exclusively to withdraw materials for laboratory analyses and testing.

~~(1((3))4)~~ Sewing equipment.

~~(1((4))5)~~ Sources which due to the amount and nature of air contaminants produced and their potential to contribute to air pollution, are determined through review by the Authority to not warrant registration; provided that, for new sources, such determination shall be based upon review of a Notice of Construction application.

~~(1((5))6)~~ Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings or other structures.

~~(1((6))7)~~ Chemical and physical laboratory operations or equipment, including fume hoods and vacuum producing devices provided the emissions do not exceed those listed in SWAPCA 400-101(2). This exemption applies to incidental fume hoods or laboratory equipment used by a source to perform in-house analyses that do not exceed the small quantity exemption of (2) above. This exemption does not apply to sources whose primary activity is chemical or physical laboratory operations.

~~(1((7))8)~~ Residential wood heaters.

~~(1((8))9)~~ Office equipment, operations and supplies.

~~((+9))20~~ Internal combustion including diesel engines used for standby emergency power generation which are used less than 100 hours per year and are rated at less than 500 horsepower.

~~(2((0))1)~~ Steam cleaning equipment used exclusively for that purpose.

~~((21) Welding stations involved solely in the repair and maintenance of a facility. This exemption does not extend to manufacturing operations where welding is an integral part of the manufacturing process.))~~

(22) Refrigeration systems which are not in air pollution control service.

(23) Housekeeping activities and equipment.

(24) Natural draft hoods, natural draft stacks, or natural draft ventilators for sanitary and storm drains, safety valves and storage tanks.

(25) Natural and forced air vents and stacks for bathroom/toilet facilities.

(26) Personal care activities.

(27) Lawn and landscaping activities.

(28) Flares used to indicate danger to the public.

(29) Fire fighting and similar safety equipment and equipment used to train fire fighters.

(30) Materials and equipment used by, and activities related to operation of an infirmary provided that operation of an infirmary is not the primary business activity at the source in question.

AMENDATORY SECTION

SWAPCA 400-105 Records, Monitoring and Reporting

The owner or operator of ~~((a source))~~ each registered source or emission unit ~~((upon notification by the Authority,))~~ maintain records on the type and quantity of emissions from the source and other information deemed necessary to determine whether the source is in compliance with applicable emission limitations and control measures. Sources that are not subject to the registration requirements of SWAPCA 400-100 because they are exempt under SWAPCA 400-101 shall nevertheless maintain records and other information necessary and sufficient to substantiate that their small quantity emissions are less than the applicable thresholds.

(1) Emission inventory.

(a) When requested, the owner(s) or operator(s) of any air contaminant source shall submit an inventory of emissions from the source each year to the Authority. The inventory shall include stack and fugitive emissions of particulate matter, PM₁₀, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, and toxic air pollutants identified in WAC 173-460 ~~((other contaminants, and shall be submitted (when required) no later than one hundred five days after the end of the calendar year)).~~ The owner(s) or operator(s) shall maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards.

(b) The emission inventory form supplied by the Authority shall be completed and returned to the Authority by April 15th for the following sources:

(i) Sources with the potential to emit over 100 tons of criteria pollutants, 10 tons of a single hazardous air pollutant or 25 tons of combined hazardous air pollutants, sources subject to NSPS, except subpart AAA, and sources subject to NESHAPS, except subpart M, sources are required to submit an emissions inventory. Only the hazardous air pollutants listed in Section 112 of the FCAA are considered for inclusion as hazardous air pollutant emissions for the purpose of determining those sources required to submit an emissions inventory. Minimum data required for the emissions inventory includes: emissions type, emissions quantity, process data, stack parameters, operating schedule, control equipment and boiler capacity.

(ii) In ozone nonattainment areas, those sources that emit over 10 tons of VOCs per year or over 25 tons per year of NO_x are also required to submit emission inventories. Minimum data required for the emissions inventory includes: emissions type, emissions quantity, process data, stack parameters, operating schedule, control equipment, and equipment capacity. Sources subject to this section are also required to submit daily emissions data for NO_x and VOCs in preparation for the SIP update.

(2) Monitoring. The Authority shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants. As a part of this program, the Control Officer or an authorized representative may require any source under the jurisdiction of the Authority to conduct stack and/or ambient air monitoring and to report the results to the Authority.

(3) Investigation of conditions. Upon presentation of appropriate credentials, for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, personnel from the Authority shall have the power to enter at reasonable times upon any private or public property, excepting non-multiple unit private dwellings housing one or two families.

(4) Source testing. To determine compliance, evaluate control equipment performance, evaluate RACT or quantify emissions the Authority may conduct or require that a test be conducted of the source or any emissions unit within the jurisdiction of the Authority. Source testing shall be performed using appropriate sampling and analytical methods as approved in advance by the Authority including, but not limited to, approved EPA methods from 40 CFR 60 Appendix A which are adopted by reference, or ~~((approved procedures contained in "Source Test Manual - Procedures for Compliance Testing", State of Washington, Department of Ecology, as of July 12, 1990, on file at))~~ alternate procedures approved by the Authority. The operator of a source shall provide the necessary platform and sampling ports for Authority personnel or others to perform a test of an emissions unit. The Authority shall be allowed to obtain a sample from any emissions unit. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

(5) Continuous monitoring and recording. Owners and operators of the following categories of sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.

(a) Fossil fuel-fired steam generators.

(i) Opacity, except where:

(A) Steam generator capacity is less than two hundred fifty million Btu per hour heat input; or

(B) Only gaseous fuel is burned.

(ii) Sulfur dioxide, except where steam generator capacity is less than two hundred fifty million Btu per hour heat input or if sulfur dioxide control equipment is not required.

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

(iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual

average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the Authority by the owner(s) or operator(s).

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

(c) Fluidized bed catalytic cracking units catalyst regenerators at petroleum refineries. Opacity where fresh feed capacity is more than twenty thousand barrels per day.

(d) Wood residue fuel-fired steam generators.

(i) Opacity, except where steam generator capacity is less than one hundred million Btu per hour heat input.

(ii) Continuous monitoring equipment. The requirements of SWAPCA 400-105 (5)(e) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by SWAPCA 400-105 (5)(d) shall be subject to approval by the Authority.

(e) Owners and operators of those sources required to install continuous monitoring equipment under this section shall demonstrate to the Authority, compliance with the equipment and performance specifications and observe the reporting requirements contained in 40 CFR Part 51, Appendix P, Sections 3, 4 and 5, promulgated October 6, 1975, and amended November 7, 1986, which is adopted by reference.

(f) Special considerations. If for reason of physical plant limitations or extreme economic situations, the Authority determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures shall be established on an individual basis. Alternative monitoring and reporting procedures may include continuous monitoring of process/operational parameters as a surrogate to continuous emissions monitoring and/or stack tests conducted at a frequency sufficient to determine compliance with applicable regulations and permit requirements as well as to quantify emissions.

(g) Exemptions. This subsection (5) does not apply to any source which is:

(i) Subject to a new source performance standard. NSPS sources shall be governed by SWAPCA 400-115.

(ii) Not subject to an applicable emission standard.

(h) Monitoring system malfunctions. A source may be temporarily exempted from the monitoring and reporting requirements of this ~~(chapter)~~ section during periods of monitoring system malfunctions provided that the source owner(s) or operator(s) shows to the satisfaction of the Authority that the malfunction was unavoidable and is being repaired as expeditiously as practicable.

(6) **Change in raw materials or fuels for sources not subject to requirements of the Operating Permit Program.** Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of forty tons per year or more over that stated in the initial inventory required by SWAPCA 400-105(1) shall require the submittal of sufficient information to the Authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. The Authority may issue regulatory orders requiring controls to reduce the effect

of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase or decrease in average annual sulfur content over the initial inventory shall not require such notice.

AMENDATORY SECTION

SWAPCA 400-107 Excess Emissions

(1) The owner or operator of a source shall have the burden of proving to the Authority or the decision-making entity (e.g., Pollution Control Hearings Board) in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under subsections (4), (5) and (6) of this section.

(2) Excess emissions determined by the Authority to be unavoidable under the procedures and criteria in this section shall be excused and not subject to penalty.

(3) Excess emissions shall be reported to the Authority as soon as possible. Upon request by the Authority, the owner(s) or operator(s) of the source(s) shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

(4) Excess emissions due to startup or shutdown conditions shall be considered unavoidable provided the source reports as required under subsection (3) of this section and adequately demonstrates that the excess emissions could not have been prevented through careful planning and design and if a bypass of control equipment occurs, that such bypass is necessary to prevent loss of life, personal injury, or severe property damage.

(5) ~~(Maintenance.)~~ Excess emissions due to scheduled maintenance shall be considered unavoidable if the source reports as required under subsection (3) of this section and adequately demonstrates that the excess emissions could not have been avoided through reasonable design, better scheduling for maintenance or through better operation and maintenance practices.

(6) Excess emissions due to upsets shall be considered unavoidable provided the source reports as required under subsection (3) of this section and adequately demonstrates 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 emission unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded.

NEW SECTION

SWAPCA 400-109 Notice of Construction Application

(1) **Purpose.** A Notice of Construction application is the document or form used by the Authority to record and track requests from individual sources, registered and non-

registered, for the purpose of obtaining information regarding proposed changes or activities at a source. Confidential information shall be identified as set forth in SWAPCA 400-270. Changes may include modifications, alterations, changes to process or control equipment, establishment of emission limits, and installation of new sources.

(2) Applicability.

(a) A Notice of Construction application consistent with SWAPCA 400-110 shall be submitted for all new installations, modifications, changes, and alterations to process and emission control equipment consistent with the definition of new source.

(b) Submittal of a Notice of Construction application shall not automatically impose New Source Review requirements for meeting emissions standards (including, but not limited to: NSPS, NESHAPs, any ambient air quality standard, etc.).

(3) Types of Applications. A Notice of Construction application may be submitted for, but not be limited to, the following activities:

(a) New construction or installation.

(b) Change of existing approved emission limits (including Title V opt-out requests).

(c) Review of existing or installed equipment operating without prior approval.

(d) Modification, alteration or replacement of existing process or control equipment.

(e) Change of registered owner (purchase or sale of source, facility or equipment).

(f) Change of location of operations of existing portable and stationary equipment.

(g) Review of existing equipment with an expired or lapsed approval or registration.

(h) Review of a case-by-case RACT, BACT, MACT or other similar determination.

(i) Other activities as identified by the Authority.

(4) Fees. A fee consistent with the fee schedule (Tables A and B) provided in SWAPCA 400-110 shall be paid by the owner or operator to the Authority prior to review of the Notice of Construction application by the Authority.

(5) Authority Actions. Each acceptable and complete Notice of Construction application shall have an Order of Approval or other applicable order issued by the Authority. A Notice of Construction for a gasoline dispensing station shall be submitted and approved as provided in SWAPCA 400-110(8). Issuance of regulatory orders for all Notice of Construction applications shall be consistent with the requirements of SWAPCA 400-110. Requirements for New Source Review are provided in SWAPCA 400-110, 400-112 & 400-113. A Notice of Construction application may be withdrawn prior to issuance of a regulatory order by the Authority as provided in (6) below; or an application may be determined by the Authority to be exempt as provided under 400-100, 400-101, or 400-110. An application determined to be exempt will be processed as identified in (6) below.

(6) Withdrawal or Exempt.

(a) A Notice of Construction application may be withdrawn by the applicant at any time prior to issuance of a regulatory order. The applicant must provide a written and signed request to the Authority indicating their desire to withdraw a Notice of Construction application, and certification that the proposed equipment or modification will not be

installed, constructed, or operated without prior review and approval from the Authority. The Authority shall provide written response to acknowledge withdrawal of the application.

(b) After review by the Authority, an application may be determined to be exempt from the registration requirements of SWAPCA 400-100 and New Source Review requirements of SWAPCA 400-110. Written notification shall be provided by the Authority to the applicant for all applications that are determined to be exempt. For withdrawn or exempt applications, filing fees will not be refunded to the applicant. Review fees, if provided with the application, may be refunded, upon request, provided that substantial time has not been expended by the Authority for review of the Notice of Construction application.

AMENDATORY SECTION

SWAPCA 400-110 New Source Review (NSR)

(1) Applicability.

(a) New Source Review means that if the new source, modification or substantial alteration or replacement meets the definition of "new source" then that new source or modification must demonstrate that all applicable emission standards have been or will be met by the proposed modification or new source. A complete Notice of Construction application shall be submitted for each source required to submit an application under the requirements of this section. Confidential information shall be identified as set forth in SWAPCA 400-270.

Before the Authority may review a Notice of Construction application, a filing fee of \$75.00 and a review fee, as shown in Table A shall be submitted by the applicant. (~~and, +~~) If offsetting emission reductions or other types of review identified in Table B are required to be performed by the Authority as a result of the proposed installation, alteration, or modification, an additional review (~~offset analysis~~) fee (~~of \$75.00~~) shall be paid. (Total Fee = Filing Fee + Review Fee [Table A] + (~~Offset~~) Additional Review Fee [Table B]).

Notice of Construction application review fees based on emissions are to utilize actual or approved emissions, after controls, as supported by test data or emission factors, not potential to emit. Other review fees as noted in the fee tables are based on design capacities of the source equipment. Where a source may fall under multiple categories, only one fee per application shall apply; Table A fees are not considered additive as they apply to an application. In general, the fee determination shall be based on the primary emission unit or activity of the new, modified or altered source.

TABLE A
Notice of Construction Application Review Fees

		<u>Fuel Change</u>	<u>New Installation</u>
i.	Fuel Burning Equipment (Million Btu/hr heat input @ design capacity):		
	<u>2 or more but less than 5</u>	\$25.00	\$100.00
	5 or more but less than 10	50.00	200.00
	10 or more but less than (2) 30	100.00	350.00
	((2)) 30 or more but less than 50	200.00	500.00
	50 or more but less than 100	300.00	1,000.00
	100 or more but less than 250	400.00	2,500.00
	250 or more but less than 500	500.00	4,000.00
	500 or more	600.00	6,000.00
ii.	<u>Discharge ((Actual Cubic Feet/Minute - ACFM))</u> from control equipment or from uncontrolled process equipment (<u>Actual Cubic Feet per Minute - ACFM</u>):		
	Less than 5		\$100.00
	5 or more but less than 5,000		200.00
	5,000 or more but less than 20,000		300.00
	20,000 or more but less than 50,000		400.00
	50,000 or more but less than 100,000		500.00
	100,000 or more but less than 250,000		1,000.00
	250,000 or more but less than 500,000		2,000.00
	500,000 or more		4,000.00
iii.	Refuse Burning Equipment (Incinerators)(Tons/day):		
	0.5 or more but less than 5		\$100.00
	5 or more but less than 12		1,000.00
	12 or more but less than 250		3,000.00
	250 or more		4,000.00
iv.	Storage Tanks, Reservoirs, or Containers (Gallons-total capacity): (<u>Other than gasoline or diesel fuel dispensing facilities</u>)		
	250 or more but less than 10((6)),000		\$100.00
	10((6)),000 or more but less than 40,000		500.00
	40,000 or more but less than 100,000		1,000.00
	100,000 or more (but less than 500,000)		2,000.00
	((500,000 or more		3,000.00)
	((1,000,000 or more		4,000.00)
v.	Gasoline ((Station)) <u>Dispensing Facilities</u>		
	Stage I	\$100.00	((250.00))
	Stage II	200.00	((500.00))
	Stages I & II, combined	200.00	((500.00))
	<u>Installation of storage tanks greater than 2000 gallons</u>		100.00
vi.	Other (Not classified in Subsection i., ii., iii., or iv. above)		\$100.00/ton of emission
vii.	Toxic Air Contaminants		\$100.00 up to one ton and \$100.00 for each additional ton
viii.	<u>Major Source or Major Modification</u> ((with Significant Impact))		\$5,000.00
ix.	<u>Synthetic minor application (including, but not limited to: Title V, HAP)</u>		<u>Not to exceed \$5,000.00</u>
x.	<u>Particulate Matter and Fugitive Emissions from Rock Crushing, Material Transfer and Ship Loading (Emissions - tons per year)</u>		
	<u>1.0 or more but less than or equal to 10</u>		\$100.00
	<u>More than 10 but less than or equal to 50</u>		500.00

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	<u>More than 50 but less than or equal to 100</u>	<u>1,000.00</u>
	<u>More than 100 but less than 250</u>	<u>2,500.00</u>
	<u>250 or greater</u>	<u>5,000.00</u>
<u>xi.</u>	<u>Modifications to an Existing Order</u>	<u>\$200.00</u>
<u>xii.</u>	<u>Installation or Operation of a Temporary, Substitute or Emergency Source</u>	<u>\$300.00</u>

TABLE B
Other Review Fees

The following fees are considered additive to the filing and review fees assessed for Notice of Construction applications (Table A). These fees apply to activities that may be requested of and performed by the Authority with or without submittal of a Notice of Construction application and are not part of the activities normally performed by the Authority as part of the Notice of Construction application review.

<u>xiii.</u>	<u>Emission Offset Analysis</u>	<u>\$200.00</u>
<u>xiv.</u>	<u>Emission Reduction Credit (ERC) Application (Deposit or withdrawal)</u>	<u>\$200.00</u>
<u>xv.</u>	<u>State Environmental Policy Act (SEPA) - Lead Agency</u>	<u>\$1000.00</u>
<u>xvi.</u>	<u>Environmental Impact Statement (EIS) Review</u>	<u>\$500.00</u>
<u>xvii.</u>	<u>RACT/BACT/MACT/BART/LAER Determination</u>	<u>\$2,000.00</u>

(b) A Notice of Construction application that meets the minimum requirements for New Source Review must be filed by the owner or operator and an Order of Approval issued by the Authority prior to the establishment of any new source or emission unit or modification which is listed in SWAPCA 400-100 or required to obtain an Operating Permit under RCW 70.94.161.

(c) The Authority may require that:

(i) a Notice of Construction application be filed by the owner or operator of a proposed new source or modification,
(ii) the source meet all New Source Review requirements, and

(iii) an Order of Approval be issued by the Authority prior to the establishment of any new source or emission unit or modification, other than a single family or a duplex dwelling.

(d) New Source Review of a modification shall be limited to the emission unit or units proposed to be added to an existing source or modified and the air contaminants whose emissions would increase as a result of the modification.

(e) New Source Review is not required for those sources whose facility wide combined emissions (potential to emit) do not exceed the limits specified in SWAPCA 400-101 or whose emission unit capacities are less than the minimum quantities specified in Table A of SWAPCA 400-110 (1)(a). The owner or operator of an exempt facility shall maintain sufficient documentation acceptable to the Authority to substantiate that the source is entitled to exemption under this section. An emission unit exempt from registration under SWAPCA 400-100 or 400-101 may be exempt from New Source Review requirements.

(f) New Source Review is not required when the following conditions are met:

(i) Performance of routine maintenance or repair that involves the replacement of like-in-kind air pollution control equipment or controls. This includes upgrades of parts or components where due to wear or breakage, parts or compo-

ments must be replaced and exact replacement parts or components are no longer available from the original equipment manufacturer or after market vendors. In no case shall the replacement parts result in an increase in actual emissions above allowable emissions;

(ii) A process change is made that does not result in an emission of a different type not previously approved or an increase in capacity and total air pollutant emissions;

(iii) A process change is made that does not result in an emission of a different type of toxic air pollutant, as provided in WAC 173-460, not previously approved and individual toxic air pollutant emissions do not exceed the Small Quantity Emission Rates specified in the Small Quantity Emission Rate tables in WAC 173-460-080 (annual rate);

(iv) A raw material composition change that does not result in individual toxic air pollutant emissions that exceed the Small Quantity Emission Rates specified in the Small Quantity Emission Rate tables in WAC 173-460-080 (annual rate);

(g) Any source required to submit a Notice of Construction application for New Source Review is required to demonstrate that all applicable emission standards have been or will be met by the proposed modification or new source. Examples of applicable emissions standards may include, but not be limited to: RACT, BACT, LAER, BART, MACT, NSPS, NESHAPS, and any ambient air quality standards as identified in Table C. Requirements for new and modified sources and replacement or alteration of control equipment are further addressed in SWAPCA 400-112, 400-113, 400-114, and 400-151.

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TABLE C
Emission Concentration Regulatory Standards and Significance Levels

Pollutant	Averaging Period	Class II Significant Impact Criteria $\mu\text{g}/\text{m}^3$ (ppm)	Class I PSD Increments $\mu\text{g}/\text{m}^3$ (ppm)	Class II PSD Increments $\mu\text{g}/\text{m}^3$ (ppm)	NAAQS		Washington
					Primary Ambient Standards $\mu\text{g}/\text{m}^3$ (ppm)	Secondary Ambient Standards $\mu\text{g}/\text{m}^3$ (ppm)	Ambient Standards $\mu\text{g}/\text{m}^3$ (ppm)
Carbon Monoxide (CO) (WAC 173-475)	8-Hour	500	—	—	10,000* (9.0)	10,000* (9.0)	10,000* (9.0)
	1-Hour	2,000	—	—	40,000* (35.0)	40,000* (35.0)	40,000* (35.0)
Nitrogen Dioxide (NO ₂) (WAC 173-475)	Annual* (arithmetic mean)	1	2.5	25	100 (0.05)	100 (0.05)	100 (0.05)
Ozone (O ₃) (WAC 173-475)	1-Hour*	—	—	—	(0.12)	(0.12)	(0.12)
Sulfur Dioxide (SO ₂) (WAC 173-474)	Annual*	1	2	20	80 (0.03)	—	53 (0.02)
	24-Hour	5	5	91	365* (0.14)	—	260* (0.10)
	3-Hour	25	25	512	—	1,300* (0.50)	—
	1-Hour	—	—	—	—	—	1,065* (0.40)*
Total Reduced Sulfur (TRS)	1-Hour	—	—	—	—	—	—
Total Suspended Particulates (TSP) (WAC 173-470)	Annual* (geometric mean)	1	5	19	75	60*	60
	24-hour	5	10	37	260*	150*	150*
Particulate Matter less than 10 μm (PM ₁₀) (WAC 173-470)	Annual (geometric mean)	1	—	17	50	50	50
	24-Hour	5	—	30	150*	150*	150*
Lead	Quarterly Average	—	—	—	1.5	1.5	1.5

$\mu\text{g}/\text{m}^3$ = micrograms per cubic meter; ppm = parts per million

- * Never to be exceeded.
- * Not to be exceeded more than once per year.
- * This is not a standard, rather it is to be used as a guide in assessing whether implementation plans will achieve the 24-hour standard.
- * Also, 0.25 ppm not to be exceeded more than twice in seven days.
- * Not to be exceeded on more than 1 day per calendar year as provided in WAC 173-475

Annual standards never to be exceeded; short term standards not to be exceeded more than once per year unless otherwise noted. Sources include the EPA New Source Review Workshop Manual, 40 CFR 52.21 and individual WAC Chapters.

The significant impact criteria are used to determine if a proposed project or modification will cause a significant deterioration in ambient air quality for Class II areas. If a proposed project impacts (i.e., changes in ambient concentrations resulting from the proposed project or modification alone) are predicted to be less than the significant impact criteria, then the air quality analysis is complete at that point.

If the ambient impact of a proposed project or modification exceeds these levels, compliance with available PSD increments and AAQS must then be demonstrated. If a proposed project or modification exceeds the significant ambient concentrations for Class II areas, monitoring of existing ambient air quality may be required if data sufficient to characterize background air quality are not available.

(2) **Completeness determination.** Within thirty calendar days of receipt of a Notice of Construction application, the Authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary, based upon review of information already supplied, to complete the application as provided under RCW 70.94.152. For a project subject to PSD review under SWAPCA ((WAC 173-))400-141 a completeness determination includes a determination that the application provides all information required to conduct PSD review. The Authority may request additional clarification of information submitted from the source after a completeness determination has been made for a Notice of Construction application.

(3) **Final determination/Regulatory Orders.**

(a) Within sixty calendar days of receipt of a complete application, the Authority shall either issue a final decision on the application or, for those projects subject to public notice, initiate notice and comment procedures under SWAPCA 400-171 on a proposed decision, followed as promptly as possible by a final decision. An owner or operator seeking to construct or modify a source that requires an operating permit may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the Notice of Construction application required by this section. A Notice of Construction application designated for integrated review shall be processed in accordance with ~~((Operating Permit Program))~~ SWAPCA 401 procedures and deadlines.

(b) Every final determination on a Notice of Construction application that results in the issuance of an Order of Approval by the Authority shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Authority.

(c) If the new source is a major stationary source or the change is a major modification, the Authority shall submit any control technology determination(s) included in a final Order of Approval to the RACT/BACT/LAER clearinghouse maintained by EPA.

(4) **Appeals.** An Order of Approval, any conditions contained in an Order of Approval, ~~((or))~~ the denial of a Notice of Construction application, or any other regulatory order issued by the Authority, may be appealed to the Board of Directors as specified in SWAPCA 400-220 of this regulation or appealed directly to the Pollution Control Hearings Board within 30 calendar days of receipt as provided in Chapter 43.21B RCW. The Authority shall promptly mail copies of each order approving or denying a Notice of Construction application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising the parties of their rights of appeal to the Pollution Control Hearings Board and, where applicable, to the EPA Environmental Appeals Board.

(5) **Portable sources.** For portable sources which locate temporarily at particular sites, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a Notice of Construction application for each location provided that:

(a) The source/emissions units are registered with the Authority.

(b) The source/emissions units have an Order of Approval as a portable source ~~((in which the owner(s) or operator(s) has successfully demonstrated that the emission control equipment and provisions are commensurate with BACT))~~.

~~((c))~~ The proposed equipment and operation is identical to that previously approved.

~~((d))~~ c) The owner(s) or operator(s) notifies the Authority of intent to operate at the new location at least ten business days prior to starting the operation.

~~((e))~~ d) The owner(s) or operator(s) supplies sufficient information including production quantities and hours of operation, to enable the Authority to determine that the operation will comply with the emission standards for a new source, and will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards.

~~((f))~~ e) The owner(s) and/or resident(s) of immediately adjacent properties shall be notified by the owner(s) or operator(s) of the portable source in writing at least 10 business days prior to commencement of operations at the proposed location with copies mailed to the Authority. Written notification to the adjacent landowners/residents shall be by certified mail with return receipt requested. Such written notification shall include a complete description of the proposed operation, ~~((and))~~ the associated emissions control provisions and equipment, the total estimated project emissions, the name, address and phone number of the person in charge of the operation, and the address and phone number for SWAPCA. Written notification shall indicate that all comments shall be directed to the Authority.

(6) Compliance. Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

~~((7))~~ 7) Expiration. Approval to construct or modify a stationary source shall become invalid if construction is not commenced within eighteen months after the date of issuance of an Order of Approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The Authority may extend the eighteen-month period upon a satisfactory demonstration that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date. The Authority may specify an earlier date for commencement of construction in an Order of Approval.

(8) Temporary, Emergency, or Substitution Sources.

(a) A temporary source shall be considered to be a new source. The Authority may require that a Notice of Construction application and applicable review fees be submitted before reviewing a request for a temporary, emergency or substitution source. The Authority may provide approval for special situations for a source without meeting the requirements for New Source Review when one or more of the following conditions are met:

(i) The temporary source is needed to replace a previously approved similar source where the approved source is non-functional due to breakdown or other similar circumstances beyond the control of the owner or operator. This

may include replacement steam or power supply units where facilities have an immediate need to continue production or service to public or private industries, or have a need for an extended or unscheduled shutdown of equipment that is of a duration not otherwise planned for. The Authority may provide written approval for a temporary source that may include but not be limited to emission limits, operational or maintenance requirements or limitations, monitoring and reporting requirements, and testing requirements. Installation of a temporary source due to poor or improper maintenance or operations is required to submit a Notice of Construction application for permanent replacement within 30 days of installation.

(ii) The temporary source is necessary to support public or private needs in the event of a local or regional disaster when proper planning could not be accommodated. In no event shall the temporary source be authorized for operations for durations greater than three months. Written approval shall be provided by the Authority that may contain but not be limited to: emission limits, operation and maintenance requirements and limitations, monitoring and reporting requirements, and testing requirements. For operations greater than three months the owner or operator shall submit a Notice of Construction application under New Source Review requirements (SWAPCA 400-110) for approval from the Authority.

(iii) The temporary source is a one time special need, urgent application, that can not otherwise be accommodated through the New Source Review process due to the critical nature of the source and time constraints. As a condition of approval under this expedited approval process, a new source of this type could not request to be allowed or expected to operate within the jurisdiction of the Authority for the following three years. Written approval shall be provided by the Authority that may contain but not be limited to: emission limits, operation and maintenance requirements and limitations, monitoring and reporting requirements and testing requirements. In no case shall approval be provided for operation greater than three months. For operations greater than three months, the owner or operator shall submit a Notice of Construction application under the New Source Review requirements of SWAPCA 400-110.

(b) An emergency source is the result of an emergency situation that could not otherwise be planned for. The Authority shall provide written approval for an emergency source provided that the owner or operator has provided sufficient documentation or demonstration of the need for the source to the satisfaction of the Control Officer. The written approval may include but not be limited to: emission limits, operation and maintenance requirements and limitations, monitoring and reporting requirements, and testing requirements. In no case shall approval be provided for operations greater than three months.

(c) A substitute source is the same as a temporary source as in (a) above. A substitute source may be of a different manufacturer and model number and size and may result in increased emissions from installation from previously approved equipment on a short term basis. The Authority shall provide written approval for a substitute source that may include but not be limited to: emission limits, operational or maintenance requirements or limitations, monitoring and reporting requirements, and testing

requirements. In no event shall the substitute source be authorized for operations for durations greater than three months. For operations greater than three months, the owner or operator shall submit a Notice of Construction application under the New Source Review requirements of SWAPCA 400-110.

(9) Gasoline dispensing facilities.

(a) Owners or operators of gasoline dispensing facilities shall submit a Notice of Construction application for all new or upgraded facilities as defined in SWAPCA 491 prior to installation, construction or modification. New Source Review fees shall apply for all Notice of Construction applications as identified in SWAPCA 400-110. Installation of vapor control equipment and compliance schedules shall be as provided in SWAPCA 491. Applications for installation of Stage II equipment shall include a Stage I application if the tanks, spill/overflow collection, cathodic protection or Stage I controls are to be replaced, changed or modified as part of the Stage II activity.

(b) All gasoline vapor control equipment installed at gasoline dispensing facilities shall be certified by the California Air Resources Board (CARB) and shall have a CARB Executive Order issued for the vapor control equipment.

(c) A Notice of Construction application for a gasoline dispensing facility shall be submitted to the Authority prior to installation, construction, or upgrade of gasoline dispensing equipment, control equipment, or facilities.

(d) The Authority shall provide written notification to the applicant within 30 calendar days of receipt of the application if the application is complete and in accordance with applicable requirements. An Order of Approval will not be issued for a Notice of Construction for gasoline dispensing facilities and the public notice and comment application provides for certified or approved equipment and controls as identified in (b) above. The applicant may begin construction, upgrade, or operation upon receipt of written notification of approval of the application from the Authority. Written approval from the Authority may contain additional testing, monitoring and reporting requirements.

(e) Within 10 calendar days of installation of a new facility, Stage I or Stage II controls, or upgrades as provided in SWAPCA 491-020, the owner or operator shall notify the Authority in writing that the activities as identified in the Notice of Construction and associated testing are complete. Test results shall be submitted to SWAPCA within 14 calendar days of testing.

(f) All Stage I gasoline vapor recovery systems shall have a back pressure/blockage test performed at the time of installation to ensure proper connection and absence of leaks.

(g) All new installations of Stage I and II vapor recovery controls shall have a static pressure decay test performed at the time of installation in accordance with CARB draft TP-201.3 or an Authority approved equivalent. Identification of the test method shall be included in the Notice of Construction application and results of the testing shall be submitted to the Authority with the notification provided in (e) above. The Authority may specify other or additional test requirements in the written Order of Approval. This testing shall be performed annually by each new facility to ensure proper operation. Results of the testing shall be

submitted to SWAPCA within 14 calendar days of test completion.

(h) All vacuum assisted Stage II vapor recovery controls shall be performance tested by performance of an air to liquid ratio test at the time of installation. Such testing is in addition to the back pressure/blockage testing and static pressure decay test of items (f) and (g) above and shall be performed in accordance with the CARB Executive Order certifying the equipment, CARB draft test procedure TP-201.5, or an Authority approved equivalent. Identification of the preferred test method shall be included in the Notice of Construction application and results of the testing shall be submitted to the Authority with the notification provided in (e) above. The Authority may specify other or additional test requirements in the written Order of Approval.

(i) Stage I and Stage II vapor recovery equipment shall be maintained in proper working order at all times. All Stage I and Stage II vapor recovery equipment shall be maintained in accordance with the CARB Executive Order(s) certifying the equipment or system. Whenever a Stage I or Stage II gasoline vapor recovery system or component is determined to be defective or not operating properly, the owner or operator shall immediately take the system out of service until repairs are made. Systems shall not be returned to service until the defective system is operating properly.

(j) Delivery rates for the gasoline dispensing systems shall be limited to the rates approved in the CARB Executive Order certifying the equipment or system.

(k) The owner or operator shall submit gasoline throughput figures annually (on a calendar basis) to the Authority by January 31 of each year.

(l) The owner or operator of a gasoline dispensing facility and/or the delivery person shall not permit the loading of gasoline into a gasoline storage tank equipped with vapor recovery fittings from a transport tank equipped with vapor recovery fittings unless the vapor recovery system is attached to the transport tank and operated satisfactorily at all times when fuel is unloaded.

(m) Pressure/vacuum valves shall be installed as required by the CARB Executive Orders that certify the particular Stage I or Stage II vapor recovery equipment. Relief set points shall be adhered to as provided in the applicable CARB Executive Orders and local fire ordinances.

(n) Any alteration of the equipment, parts, design, or operation of the nozzles or gasoline dispensing system as certified by CARB is prohibited, and shall not be performed without submittal of a Notice of Construction application and prior approval from the Authority.

(o) The Authority shall issue an Order of Authorization to Operate for each gasoline dispensing facility in accordance with SWAPCA 400-111 and 400-230.

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

Reviser's note: The typographical 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

SWAPCA 400-112 Requirements for New Sources in Nonattainment Areas

~~((The Authority reviewing an))~~ A Notice of Construction application to establish a new source or make a modification to a source in a nonattainment area, shall result in the issuance of ((issue)) an Order of Approval or other regulatory order, which contains such conditions as are reasonably necessary to assure the maintenance of compliance with this section, if the Authority determines that the proposed project satisfies each of the following requirements:

(1) The proposed new source or modification will comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, emission standards adopted under Chapter 70.94 RCW and, the applicable emission standards of the Authority.

(2) The proposed new source will employ BACT for all air contaminants, except that if the new source is a major stationary source or the proposed modification is a major modification it must achieve LAER for the contaminants for which the area has been designated nonattainment and for which the proposed new source or modification is major.

(3) The proposed new source will not cause any ambient air quality standard to be exceeded, will not violate the requirements for reasonable further progress established by the Washington State Implementation Plan and will comply with SWAPCA 400-113(3) for all contaminants for which the area has not been designated nonattainment.

(4) If the proposed new source is a major stationary source or the proposed modification is a major modification, and the Authority has determined, based on review of an analysis performed by the source of alternative sites, sizes, production processes, and environmental control techniques, that the benefits of the project significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(5) If the proposed new source or the proposed modification is major for the contaminant for which the area is designated nonattainment, allowable emissions of the pollutant for which the area has been designated nonattainment from the proposed new source or modification are offset by reductions in actual emissions of the pollutant for which the area has been designated nonattainment from existing sources in the nonattainment area so as to represent (when considered together with the nonattainment provisions of section 172 of the FCAA) reasonable further progress. All offsetting emission reductions must satisfy the following requirements:

(a) The proposed new level of allowable emissions of the source or emissions units providing the reduction must be less than the current level of actual emissions of that source or emission unit(s). No emission reduction can be credited for actual emissions which exceed the current allowable emissions of the source or emissions unit(s) providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders or permits cannot be credited.

(b) The emission reductions must provide for a net air quality benefit.

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(i) New major sources within the Portland-Vancouver Ozone Nonattainment Area (which has been designated by EPA as "marginal") shall:

(A) Offset the new VOC emissions at a ratio of 1.1 to 1, if the VOC emissions exceed either 100 tons per year or 700 pounds per day.

(B) Offset the new NO_x emissions at a ratio of 1.1 to 1, if the NO_x emissions exceed either 100 tons per year or 700 pounds per day.

(ii) Sources within the Portland-Vancouver Ozone Nonattainment Area (which has been designated by EPA as "marginal") undergoing major modifications shall:

(A) Offset the entire VOC emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

(B) Offset the entire NO_x emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

(iii) New major sources within the Portland-Vancouver Carbon Monoxide Nonattainment Area (which has been designated by EPA as "moderate") shall:

(A) Offset the new carbon monoxide emissions at a ratio of 1 to 1, if the carbon monoxide emissions exceed either 100 tons per year or 700 pounds per day.

(iv) Sources within the Portland-Vancouver Carbon Monoxide Nonattainment Area (which has been designated by EPA as "moderate") undergoing major modifications shall:

(A) Offset the entire carbon monoxide emissions increase at a ratio of 1 to 1, if such increase exceeds either 100 tons per year or 700 pounds per day.

(c) If the offsets are provided by another source, the reductions in emissions from that source must be federally enforceable by the time the new or modified source commences operation. The new source may not commence operation before the date such reductions are actually achieved. An emission reduction credit issued under SWAPCA 400-131 may be used to satisfy some or all of the offset requirements of this subsection.

(6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

~~((6))7~~ If the proposed new source is a major stationary source or the proposed modification is a major modification, the owner or operator has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in Washington are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the Federal Clean Air Act, including all rules contained in the EPA-approved Washington State Implementation Plan.

~~((7))8~~ If the proposed new source is a major stationary source or the proposed modification is a major modification for the purposes of the PSD program described in SWAPCA ~~((WAC 173-))~~400-141 it meets the requirements of that program for all contaminants for which the area has not been designated nonattainment.

~~((8))9~~ If the proposed new source or modification will emit any toxic air pollutants regulated under ~~((Chapter))~~

WAC 173-460 ~~((WAC))~~, the source meets all applicable requirements of that Chapter.

~~((9))10~~ If the proposed new source is a major stationary source or the proposed modification is a major modification, the Authority has complied with the visibility protection review requirements of 40 CFR 52.28 (c) through (h), as in effect on ~~((January))~~ February 1, 199~~((3))~~5, and determined that the project meets the criteria set forth in 40 CFR 52.28(g). For purposes of this subsection definitions referenced in 40 CFR 52.28(b) are incorporated by reference, except that the term "visibility protection area" means any Class I area, and terms defined in SWAPCA 400-030 shall have the meanings defined in that section. References in 40 CFR 52.28 to "the Administrator" shall mean the agency (either Ecology or the Authority) processing the Notice of Construction application.

AMENDATORY SECTION

SWAPCA 400-113 Requirements for New Sources in Attainment or Nonclassifiable Areas

Any person proposing to install, construct or operate a new source or emission unit or modification to an existing source or emission unit shall file a Notice of Construction application with the Authority and shall be subject to the New Source Review provisions of SWAPCA 400-110. Confidential information shall be identified as set forth in SWAPCA 400-270. ~~((The Authority reviewing an))~~ A Notice of Construction application to establish a new source or make a modification to a source in an area that is in attainment or unclassifiable for any air contaminant the proposed new source would emit and that is in attainment or unclassifiable for ozone if the proposed new or modified source would emit VOCs or NO_x, shall result in the issuance of ~~((issue))~~ an Order of Approval or other regulatory order. Such order shall contain such conditions as are reasonably necessary to assure the maintenance of compliance with this section, if it is determined that the proposed project satisfies all of the following requirements:

(1) The proposed new source or modification will comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, emission standards adopted under Chapter 70.94 RCW and the applicable emission standards of the Authority.

(2) The proposed new source or modification will employ BACT for all pollutants not previously emitted or whose emissions would increase as a result of the new source or modification.

(3) Allowable emissions from the proposed new source or modification will not delay the attainment date for an area not in attainment or unclassifiable nor cause or contribute to a violation of any ambient air quality standard. This requirement will be considered to be met if the projected impact of the allowable emissions from the proposed new source or the projected impact of the increase in allowable emissions from the proposed modification at any location within a nonattainment area does not exceed the following levels for the pollutant(s) for which the area has been designated nonattainment:

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO	-	-	0.5 mg/m ³	-	2 mg/m ³
SO ₂	1.0 µg/m ³	5 µg/m ³	-	25 µg/m ³	30 µg/m ³
PM ₁₀	1.0 µg/m ³	5 µg/m ³	-	-	-
NO ₂	1.0 µg/m ³	-	-	-	-

An offsetting emission reduction may be used to satisfy some or all of the requirements of this subsection.

(4) If the proposed new source is a major stationary source or the proposed modification is a major modification for purposes of the PSD program described in SWAPCA ((WAC 173-))400-141, it meets all applicable requirements of that section.

(5) If the proposed new source or the proposed modification will emit any toxic air pollutants regulated under WAC 173-460, the source meets all applicable requirements of that program.

(6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

~~((6))~~ If, within the meaning of the PSD program described in SWAPCA ((WAC 173-))400-141, the proposed new source is a major stationary source or the proposed modification is a major modification, the source would not cause an adverse impact upon visibility.

AMENDATORY SECTION

SWAPCA 400-114 Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source

(1) Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source or emission unit shall file a Notice of Construction application with the Authority and shall be subject to the New Source Review process of SWAPCA 400-110. If the replacement or substantial alteration meets the definition of "new source" or "modification" then the new source emissions standards of SWAPCA 400-112 or SWAPCA 400-113 shall apply. If the replacement or substantial alteration does not meet the definition of "new source" or "modification" then RACT or other requirements shall apply. Replacement or substantial alteration of control technology does not include routine maintenance, repair or parts replacement.

(2) For projects not otherwise reviewable under SWAPCA 400-110, the Authority may:

- (a) Require that the owner or operator employ RACT for the affected emission unit;
- (b) Prescribe reasonable operation and maintenance conditions for the control equipment; and
- (c) Prescribe other requirements authorized by Chapter 70.94 RCW.

(3) Within thirty calendar 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 notify the applicant in writing of all additional information necessary to complete the application. Within

thirty calendar days of receipt of a complete Notice of Construction application under this section the Authority shall either issue an Order of Approval or a proposed RACT determination for the proposed project.

(4) Construction shall not commence, as defined in SWAPCA 400-030(16), on a project subject to review under this section until the Authority issues a final Order of Approval. However, any Notice of Construction application filed under this section shall be deemed to be approved without conditions if the Authority takes no action within thirty days of receipt of a complete Notice of Construction application. The Authority may request clarification of information submitted in support of the application after the application has been determined to be complete.

(5) An Order of Approval to replace or substantially alter emission control technology shall become invalid if construction is not commenced within eighteen months from the date of issuance of an Order of Approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The Authority may extend the eighteen month period upon a satisfactory demonstration that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date. The Authority may specify an earlier date for commencement of construction in an Order of Approval.

(6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

AMENDATORY SECTION

SWAPCA 400-115 Standards of Performance for New Sources

Title 40, Code of Federal Regulations, Part 60 (Standards of Performance for New Sources), as in effect on ~~((January))~~ February 1, 199~~((3))~~5, is adopted by reference except for sections 60.5 (Determination of Construction or Modification) and 60.6 (Review of Plans). The term "Administrator" in 40 CFR Part 60 shall mean the Administrator of EPA, the Director of Ecology and the Control Officer of the Authority.

As of ~~((January))~~ February 1, 199~~((3))~~5, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following described subparts of 40 CFR Part 60:

- Subpart D Fossil fuel-fired steam generators for which construction commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input greater than 73 megawatts but

PERMANENT

	not greater than 250 megawatts (<u>ref. 40 CFR 60.40 et seq.</u>)	Subpart Q	Primary zinc smelters (<u>ref. 40 CFR 60.170 et seq.</u>)
Subpart Da	Electric utility steam generating units for which construction commenced after September 18, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts (<u>ref. 40 CFR 60.40a et seq.</u>)	Subpart R	Primary lead smelters (<u>ref. 40 CFR 60.180 et seq.</u>)
		Subpart S	Primary aluminum reduction plants (<u>ref. 40 CFR 60.190 et seq.</u>)
Subpart Db	Industrial-commercial-institutional steam generating units for which construction commenced after June 19, 1984, and prior to June 19, 1986, which have a heat input greater than 29 megawatts but less than 73 megawatts (<u>ref. 40 CFR 60.40b et seq.</u>)	Subpart T	Phosphate fertilizer industry: Wet process phosphoric acid plants (<u>ref. 40 CFR 60.200 et seq.</u>)
		Subpart U	Phosphate fertilizer industry: Superphosphoric acid plants (<u>ref. 40 CFR 60.210 et seq.</u>)
Subpart Dc	Small industrial-commercial-institutional steam generating units (<u>ref. 40 CFR 60.40c et seq.</u>)	Subpart V	Phosphate fertilizer industry: Diammonium phosphate plants (<u>ref. 40 CFR 60.220 et seq.</u>)
Subpart E	Incinerators (<u>ref. 40 CFR 60.50 et seq.</u>)	Subpart W	Phosphate fertilizer industry: Triple superphosphate plants (<u>ref. 40 CFR 60.230 et seq.</u>)
Subpart Ea	Municipal waste combustors (<u>ref. 40 CFR 60.50a et seq.</u>)	Subpart X	Phosphate fertilizer industry: Granular triple superphosphate storage facilities (<u>ref. 40 CFR 60.240 et seq.</u>)
Subpart F	Portland cement plants (<u>ref. 40 CFR 60.60 et seq.</u>)	Subpart Y	Coal preparation plants (<u>ref. 40 CFR 60.250 et seq.</u>)
Subpart G	Nitric acid plants (<u>ref. 40 CFR 60.70 et seq.</u>)	Subpart Z	Ferroalloy production facilities (<u>ref. 40 CFR 60.260 et seq.</u>)
Subpart H	Sulfuric acid plants (<u>ref. 40 CFR 60.80 et seq.</u>)	Subpart AA	Steel plants: Electric arc furnaces (<u>ref. 40 CFR 60.270 et seq.</u>)
Subpart I	Asphalt concrete plants (<u>ref. 40 CFR 60.90 et seq.</u>)	Subpart AAa	Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels (<u>ref. 40 CFR 60.270a et seq.</u>)
Subpart J	Petroleum refineries which produce less than 25,000 barrels per day of refined products (<u>ref. 40 CFR 60.100 et seq.</u>)	Subpart BB	Kraft pulp mills (<u>ref. 40 CFR 60.280 et seq.</u>)
Subpart K	Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons (<u>ref. 40 CFR 60.110 et seq.</u>)	Subpart CC	Glass manufacturing plants (<u>ref. 40 CFR 60.290 et seq.</u>)
		Subpart DD	Grain elevators (<u>ref. 40 CFR 60.300 et seq.</u>)
Subpart Ka	Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons (<u>ref. 40 CFR 60.110a et seq.</u>)	Subpart EE	Industrial surface coating: Metal furniture (<u>ref. 40 CFR 60.310 et seq.</u>)
Subpart Kb	Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed, reconstructed, or modified after July 23, 1984 (<u>ref. 40 CFR 60.110b et seq.</u>)	Subpart GG	Stationary gas turbines (<u>ref. 40 CFR 60.330 et seq.</u>)
Subpart L	Secondary lead smelters (<u>ref. 40 CFR 60.120 et seq.</u>)	Subpart HH	Lime manufacturing plants (<u>ref. 40 CFR 60.340 et seq.</u>)
Subpart M	Brass and bronze ingot production plants (<u>ref. 40 CFR 60.130 et seq.</u>)	Subpart KK	Lead-acid battery plants (<u>ref. 40 CFR 60.370 et seq.</u>)
Subpart N	Iron and steel plants (<u>ref. 40 CFR 60.140 et seq.</u>)	Subpart LL	Metallic mineral processing plants (<u>ref. 40 CFR 60.380 et seq.</u>)
Subpart O	Sewage treatment plants (<u>ref. 40 CFR 60.150 et seq.</u>)	Subpart MM	Automobile and light duty truck surface coating operations (<u>ref. 40 CFR 60.390 et seq.</u>)
Subpart P	Primary copper smelters (<u>ref. 40 CFR 60.160 et seq.</u>)	Subpart NN	Phosphate rock plants (<u>ref. 40 CFR 60.400 et seq.</u>)
		Subpart PP	Ammonium sulfate manufacture (<u>ref. 40 CFR 60.420 et seq.</u>)
		Subpart QQ	Publication rotogravure printing (<u>ref. 40 CFR 60.430 et seq.</u>)
		Subpart RR	Pressure sensitive tape and label surface coating operations (<u>ref. 40 CFR 60.440 et seq.</u>)
		Subpart SS	Industrial surface coating: Large appliances (<u>ref. 40 CFR 60.450 et seq.</u>)

Subpart TT	Industrial surface coating: Metal coils (<u>ref. 40 CFR 60.460 et seq.</u>)
Subpart UU	Asphalt processing and asphalt roofing manufacture (<u>ref. 40 CFR 60.470 et seq.</u>)
Subpart VV	Synthetic Organic Chemical Manufacturing Industry equipment leaks (VOC) (<u>ref. 40 CFR 60.480 et seq.</u>)
Subpart WW	Beverage can surface coating operations (<u>ref. 40 CFR 60.490 et seq.</u>)
Subpart XX	Bulk gasoline terminals (<u>ref. 40 CFR 60.500 et seq.</u>)
Subpart AAA	New residential wood heaters (<u>ref. 40 CFR 60.530 et seq.</u>)
Subpart BBB	Rubber tire manufacturing industry (<u>ref. 40 CFR 60.540 et seq.</u>)
Subpart DDD	VOC emissions from the polymer manufacturing industry (<u>ref. 40 CFR 60.560 et seq.</u>)
Subpart FFF	Flexible vinyl and urethane coating and printing (<u>ref. 40 CFR 60.580 et seq.</u>)
Subpart GGG	Petroleum refineries - compressors and fugitive emission sources (<u>ref. 40 CFR 60.590 et seq.</u>)
Subpart HHH	Synthetic fiber production facilities (<u>ref. 40 CFR 60.600 et seq.</u>)
Subpart III	VOC emissions from Synthetic Organic Chemical Manufacturing Industry air oxidation unit processes (<u>ref. 40 CFR 60.610 et seq.</u>)
Subpart JJJ	Petroleum dry cleaners (<u>ref. 40 CFR 60.620 et seq.</u>)
Subpart KKK	Equipment leaks of VOC from onshore natural gas processing plants (<u>ref. 40 CFR 60.630 et seq.</u>)
Subpart LLL	Onshore natural gas processing; SO ₂ emissions (<u>ref. 40 CFR 60.640 et seq.</u>)
Subpart NNN	VOC emissions from Synthetic Organic Chemical Manufacturing Industry distillation operations (<u>ref. 40 CFR 60.660 et seq.</u>)
Subpart OOO	<u>Nonmetallic mineral processing plants</u> (<u>ref. 40 CFR 60.670 et seq.</u>)
Subpart PPP	Wool fiberglass insulation manufacturing plants (<u>ref. 40 CFR 60.680 et seq.</u>)
Subpart QQQ	VOC emissions from petroleum refinery waste water emissions (<u>ref. 40 CFR 60.690 et seq.</u>)
Subpart SSS	Magnetic tape coating facilities (<u>ref. 40 CFR 60.710 et seq.</u>)
Subpart TTT	Industrial surface coating: Surface coating of plastic parts for business machines (<u>ref. 40 CFR 60.720 et seq.</u>)
Subpart VVV	Polymeric coating of supporting substrates facilities (<u>ref. 40 CFR 60.740 et seq.</u>)

Note: For fossil fuel fired steam generators referenced by Subpart D and Da above, units greater than 250 megawatts are governed by

the Energy Facility Site Evaluation Council (EFSEC) in Title 463 WAC.

AMENDATORY SECTION

SWAPCA 400-120 Bubble Rules

(1) **Applicability.** The owner(s) or operator(s) of any source(s) may apply for a bubble for any contaminant regulated by state or federal law or regulations established to implement such laws for which the emission requirement may be stated as an allowable limit in weight of air contaminant per unit time for the emissions units involved.

(2) **Conditions.** A bubble may be authorized provided the following conditions have been demonstrated to the satisfaction of the Authority.

(a) The contaminants exchanged must be of the same type, that is, PM₁₀ for PM₁₀, sulfur dioxide for sulfur dioxide, etc.

(b) The bubble will not interfere with the attainment and maintenance of ambient air quality standards.

(c) The bubble will not result in a delay in compliance by any source, nor a delay in any existing enforcement action.

(d) The bubble will not supersede NSPS, NESHAPS, BACT, or LAER. The emissions of hazardous air contaminants shall not be increased.

(e) The bubble will not result in an increase in the sum of actual emission rates of the contaminant involved from the emissions units involved.

(f) A bubble may not be authorized solely for opacity limits. However, if the emission limit for particulates for a given emissions unit is increased as part of a bubble, the opacity limit for the given emissions unit may be increased subject to the following limitations:

(i) The new opacity limit shall be specific for the given emissions unit;

(ii) The new opacity limit shall be consistent with the new particulate matter emission limit(s) and/or PM₁₀ emission limit(s);

(iii) An opacity greater than twenty percent shall never be authorized;

(iv) If the given emissions unit emits or has the potential to emit 100 tons per year or more of particulate matter, the opacity shall be monitored continuously.

(g) The emission limits of the bubble are equivalent to existing limits in enforceability.

(h) Concurrent with or prior to the authorization of a bubble, each emission unit involved in a bubble shall receive or have received a regulatory order or permit that establishes total allowable emissions from the source of the contaminant being bubbled, expressed as weight of the contaminant per unit time.

(i) There will be no net adverse impact upon air quality from the establishment of new emission requirements for a specific source or emissions unit. Determination of net adverse impact shall include but not be limited to public perception of opacity and public perception of odorous contaminants.

(j) Specific situations may require additional demonstration as requested by the Authority.

(3) **Jurisdiction.** Whenever a bubble application involves emissions units, some of which are under the

jurisdiction of Ecology and some of which are under the jurisdiction of the Authority, approval will require concurrence by both authorities. The new emission limits for each emissions unit will be enforced by the agency of original jurisdiction.

(4) **Additional information.** Within thirty calendar days, after the receipt of a bubble application and all supporting data and documentation, the Authority may require the submission of additional information needed to review the application.

(5) **Approval.** Within thirty calendar days after all the required information has been received, the Authority shall approve or deny the application, based on a finding that conditions in subsection (2)(a) through (j) of this section have been satisfied or not. If the application is approved, a regulatory order or equivalent document shall be issued which includes new allowable emissions limits expressed in weight of pollutant per unit time for each emissions unit affected by the bubble. The regulatory order or equivalent document shall include any conditions required to assure that subsection (2)(a) through (j) of this section will be satisfied. If the bubble depends in whole or in part upon the shutdown of equipment, the regulatory order or equivalent document shall prohibit operation of the affected equipment.

AMENDATORY SECTION

SWAPCA 400-130 Acquisition and Use of Emission Reduction Credits

(1) **Applicability.** The owner(s) or operator(s) of any source of emission shall maintain its ability to use said emission and credits through approval and registration with the Authority. If the owner or operator of said emission source fails to maintain or renew its annual registration 6 months beyond the due date or fails to pay its operating permit fee ~~((for one year))~~ 6 months beyond the due date and has not applied for emission reduction credits, then said amount of emission reductions credit shall revert back to the Authority. The Authority shall keep said credits in a credit bank to be used by the Authority in the best interest of the area.

(2) **Conditions for Establishing a Credit Bank.**

(a) Only those quantifiable emissions that are considered surplus over and above those allowed in the Washington State Implementation Plan shall be available for said credit bank.

(b) Surplus emissions shall not have been transferred to another entity for use.

(c) Emission reduction credits established under SWAPCA 400-131 or used under SWAPCA 400-136 for a specific source shall not be included in the bank for public allocation unless specifically requested by the owner(s) or operator(s) of the source making the emissions reduction.

(3) **Use of Credits.**

(a) The ~~((Southwest Air Pollution Control))~~ Authority may authorize, at ~~((their))~~ its discretion, the use of said particulate credits and volatile organic compound credits from the regional emission credit bank for other new air contaminant sources within the specific nonattainment area in the region to satisfy any emission offset requirements. (Reference to Sections 400-110 (3)(e) and 173-400 (6)(d) of

the Southwest Air Pollution Control Authority General Regulations and Washington Administrative Codes.)

(b) The ~~((Southwest Air Pollution Control))~~ Authority has established its policy and procedure for distribution of said credits as contained in (4) Maintenance of the Bank.

(4) **Maintenance of the Bank.**

(a) The Authority shall maintain an emission inventory of all allowed and actual emissions in each of the nonattainment areas by pollutant or in the case of ozone, it shall be volatile organic compounds and oxides of nitrogen.

(b) The emission credits contained in the bank shall be discounted by 10% to allow for minor emissions increases in nonattainment areas by minor sources each of which would emit less than one ton per year. Minor emitting sources shall be ineligible to receive or expend an emission reduction credit as identified in SWAPCA 400-131 or 400-136.

(c) The Control Officer shall not provide greater than 10% of the available emission credit in the bank to a single applicant. Any exceptions shall be considered on a case-by-case basis by the Board of Directors after a public notice at the next regularly scheduled meeting.

(d) When the Control Officer issues credits for a new or modified source, the amount of emission credits shall be removed from the bank and a Regulatory Order allocating the emission credits shall be issued. The applicant shall start a continuous program of construction or process modification within 18 months. If the applicant does not exercise the approval, the emission credit shall expire and revert to the bank. If there is a six ~~((an eighteen))~~ month delay in construction after the start of a continuous program to construct or modify a source or emissions unit the remaining amount of the emission reduction credit shall be reviewed by the Control Officer and if it is determined that the unused portion of the credit will not, in all likelihood be used in the next year, the Control Officer shall notify the applicant that the credit has expired and shall revert to the bank. The applicant shall reapply, as needed, for use of the emission reduction credits when a continuous program of construction or modification begins.

(5) **Annual Review.** The Authority shall review the content and administration of this section annually to ensure regulatory consistency and equity of impact as a portion of the Washington State Implementation Plan review ~~((and to ensure regulatory consistency and equity of impact))~~. The results of the review shall be reported to the Board with recommendations for correction if the Control Officer deems that such corrections are necessary to properly administer the emission credit bank.

AMENDATORY SECTION

SWAPCA 400-131 Issuance of Emission Reduction Credits

(1) **Applicability.** The owner(s) or operator(s) of any source(s) may apply to the Authority for an emission reduction credit (ERC) if the source proposes to reduce its actual emissions rate for any contaminant regulated by state or federal law or regulations established to implement such law(s) for which the emission requirement may be stated as an allowable limit in weight of contaminant per unit time for the emissions unit(s) involved.

(2) **Time of application.** The application for an ERC must be made prior to or within one hundred eighty days after the emission reduction has been accomplished.

(3) **Conditions.** An ERC may be authorized provided the following conditions have been demonstrated to the satisfaction of the Authority.

(a) The quantity of emissions in the ERC shall be less than or equal to the old allowable emissions rate or the old actual emissions rate, whichever is the lesser, minus the new allowable emissions rate.

(b) The ERC application must include a description of all the changes that are required to accomplish the claimed emissions reduction, such as, new control equipment, process modifications, limitation of hours of operation, permanent shutdown of equipment, specified control practices and any other pertinent supporting information.

(c) The ERC must be large enough to be readily quantifiable relative to the source strength of the emissions unit(s) involved.

(d) No part of the emission reductions claimed for credit shall have been used as part of a determination of net emission increase, nor as part of an offsetting transaction under SWAPCA 400-112(5) nor as part of a bubble transaction under SWAPCA 400-120 nor to satisfy NSPS, NESHAPS, BACT, ((~~or~~)) LAER or other applicable emission standard.

(e) Concurrent with or prior to the authorization of an ERC, the applicant shall have received a regulatory order or permit that establishes total allowable emissions from the source or emissions unit of the contaminant for which the ERC is requested, expressed as weight of contaminant per unit time.

(f) The use of any ERC shall be consistent with all other federal, state, and local requirements of the program in which it is used.

(4) **Additional information.** Within thirty days after the receipt of an ERC application, supporting data and documentation, the Authority may require the submission of additional information needed to review the application.

(5) **Approval.** Within thirty days after all required information has been received, the Authority shall approve or deny the application, based on a finding that conditions in subsection (3)(a) through (f) of this section have been satisfied or not. If the application is approved, the Authority shall:

(a) Issue a regulatory order or equivalent document to assure that the emissions from the source will not exceed the allowable emission rates claimed in the ERC application, expressed in weight of pollutant per unit time for each emission unit involved. The regulatory order or equivalent document or Order shall include any conditions required to assure that subsection (3)(a) through (f) of this section will be satisfied. If the ERC depends in whole or in part upon the shutdown of equipment, the regulatory order or equivalent document must prohibit operation of the affected equipment; and,

(b) Issue a certificate of emission reduction credit. The certificate shall specify the issue date, the contaminant(s) involved, the emission decrease expressed as weight of pollutant per unit time, the nonattainment area involved, if applicable, and the person to whom the certificate is issued.

AMENDATORY SECTION

SWAPCA 400-136 Use of Emission Reduction Credits

(1) **Permissible use.** An ERC may be used to satisfy the requirements for authorization of a bubble under SWAPCA 400-120, as a part of a determination of "net emissions increase," as an offsetting reduction to satisfy the requirements for new source review per SWAPCA 400-112, SWAPCA 400-113(3) or SWAPCA 400-113(6), or to satisfy requirements for PSD review per SWAPCA ((WAC 173-)) 400-113(4).

(2) **Surrender of ERC certificate.** When an ERC is used under subsection (1) of this section, the certificate for the ERC must be surrendered to the Authority. If only a portion of the ERC is used, the amended certificate will be returned to the owner.

(3) **Conditions of use.** An ERC may be used only for the contaminant(s) for which it was issued. The Authority may impose additional conditions of use to account for temporal and spatial differences between the emissions unit(s) that generated the ERC and the emissions unit(s) that use the ERC.

(4) **Sale of an ERC.** An ERC may be sold or otherwise transferred to a person other than the person to whom it was originally issued. Within thirty days after the transfer of ownership, the certificate must be surrendered to the Authority. After receiving the certificate, the Authority shall reissue the certificate to the new owner. The Authority shall update the ERC bank to reflect the availability of ERCs.

(5) **Time of use.** An unused ERC and any unused portion thereof shall expire ten years after the date of original issue. The ten year time period shall restart with each ERC transaction involving the use, lease or sale of emission reduction credits. The emission reduction credits shall be discounted at the applicable ratio, if any, on a one time basis at the time of original issue. Emission reduction credits shall not be discounted each time a transaction is completed.

(6) **Discount due to change in SIP.** If reductions in emissions beyond those identified in the Washington State Implementation Plan are required to meet an ambient air quality standard, if the standard cannot be met through controls on operating sources, and if the plan must be revised, an ERC may be discounted by the Authority after public involvement per SWAPCA 400-171. Any such discount shall not exceed the percentage of additional emission reduction needed to reach attainment.

AMENDATORY SECTION

SWAPCA 400-141 Prevention of Significant Deterioration (PSD)

Section 40 CFR 52.21, Subparts (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (r), (t), (v), and (w), Prevention of Significant Deterioration of Air Quality, as in effect on March 3, 1993, are incorporated by reference with the following additions and modifications:

(1) (~~Construction of~~) **Administrator.**(~~1~~) In 40 CFR 52.21 (b)(17), federally enforceable, (f)(1)(v), (f)(3), and (f)(4)(i), exclusions from increment consumption, (g), redesignation, (l) and (2), air quality models, (p)(2), federal land manager, and (t), disputed permits or redesignations, the

word "Administrator" shall be construed in its original meaning. In 40 CFR 52.21 (b)(3)(iii) Administrator shall mean the Administrator of EPA, Director of Ecology and Control Officer of the Authority.

(2) **Contemporaneous.** Subpart 40 CFR 52.21 (b)(3)(ii) is changed to read: "An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date ten years before construction on the particular change commences and the date that the increase from the particular change occurs. If a decrease occurred more than one year prior to the date of submittal of the Notice of Construction application for the particular change it can only be credited if the decrease has been documented by an emission reduction credit."

(3) **Public participation.** Subpart 40 CFR 51.166(q) public participation, as in effect March 3, 1993 is hereby incorporated by reference except that in 40 CFR 51.166 (q)(2)(iv), the phrase "specified time period" shall mean thirty days and the word "Administrator" shall mean the EPA Administrator.

(4) **Section 40 CFR 51.166 Subpart (p)(1).** Sources Impacting Federal Class I areas - additional requirements - Notice to EPA, as in effect on March 3, 1993, is herein incorporated by reference.

(5) **Secondary emissions.** Subpart 40 CFR 52.21 (b)(18) is changed to read: Emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this section, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships or trains coming to or from the new or modified stationary source; and

(b) Emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

(6) **Significant.** The definition of "significant" in 40 CFR 52.21 (b)(23) is changed to exclude from the list of pollutants which may trigger PSD review any pollutant listed under FCAA §112.

[Note - SWAPCA has not been delegated authority by Ecology for the PSD program.]

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.

SWAPCA 400-151 Retrofit Requirements for Visibility Protection

(1) **Determination of best available retrofit technology (BART).** The Authority shall identify and analyze each source which may reasonably be anticipated to cause or contribute to impairment of visibility in any mandatory Class I area in Washington and any adjacent state and to determine BART for the contaminant of concern and those additional air pollution control technologies that are to be required to reduce impairment from the source.

(2) **Initially defined BART.** The owner(s) or operator(s) of any source(s) to which significant visibility impairment of a mandatory Class I area is reasonably attributable shall apply BART for each contaminant contributing to visibility impairment that is emitted at more than 250 tons per year. Each source for which BART is required must install and operate BART as expeditiously as possible, but in no case later than five years after the conditions are included in a regulatory order.

(3) **Future definitions of BART.** The owner(s) or operator(s) of any source(s) to which significant visibility impairment of a mandatory Class I area is reasonably attributable shall apply BART as new technology becomes available for a contaminant if:

(a) The source emits more than 250 tons per year of the contaminant; and,

(b) The controls representing BART have not previously been required in this section.

(4) **Appeal.** Any source owner or operator required by this section to install, operate, and maintain BART, may apply to the EPA Administrator for an exception from that requirement pursuant to 40 CFR 51.303.

SWAPCA 400-161 Compliance Schedules

(1) **Issuance.** Whenever a source is found to be in violation of an emission standard or other provision of this regulation the Authority may issue a regulatory order requiring that the source be brought into compliance within a specified time. The order shall contain a schedule for installation of emission control technology, with intermediate benchmark dates and a final completion date, and shall constitute a compliance schedule. Requirements for public involvement (SWAPCA 400-171) must be met.

(2) **Federal action.** A source shall be considered to be in compliance with this regulation if all the provisions of its individual compliance schedule included with a regulatory order are being met. Such compliance does not preclude federal enforcement action by the EPA until and unless the schedule is submitted and adopted as an amendment to the State Implementation Plan.

(3) **Penalties for delayed compliance.** Sources on a compliance schedule but not meeting emissions standards may be subject to penalties as provided in the Federal Clean Air Act.

AMENDATORY SECTION

SWAPCA 400-171 Public Involvement

(1) **Applicability.** The Authority shall provide public notice for a preliminary determination of a regulatory order prior to issuance of the final approval or denial of any of the following types of applications or other actions:

(a) Notice of Construction application for any new or modified source or emissions unit that results in ((-if)) a significant increase in emissions (actual or potential to emit) of any pollutant regulated by state or federal law ((would result)) (significant as defined in SWAPCA 400-030). Furthermore, public notice for each regulatory order for a non-significant increase may be provided at the discretion of the Control Officer; or

(b) Any application or other proposed action for which a public hearing is required by PSD rules; or

(c) Any order to determine RACT; or
 (d) Any order to establish a compliance schedule or a variance; ~~((ø))~~

(e) The establishment, disestablishment or redesignation of a nonattainment area, or the changing of the boundaries thereof; or

(f) 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; or

(g) Any order to authorize a bubble; or

(h) An order issued under SWAPCA 400-09~~((ø))~~¹ which establishes limitations on a source's potential to emit for the purpose of opting out of the Title V Air Operating Permit program (SWAPCA 401); or

(i) Any Notice of Construction application or other proposed action made pursuant to this regulation in which there is a substantial public interest according to the discretion of the Control Officer ~~((Authority))~~~~((:))~~;

except:

(j) Any Notice of Construction application or other proposed action which results in a reduction of emissions from a previously established emission limit in an order issued by the Authority that has previously been subjected to public notice, or other permitting authority, may not require public notice in accordance with this section. This exemption does not apply to those sources opting out of the Title V Air Operating Permit program (SWAPCA 401).

(k) Any Notice of Construction application or other proposed action which does not result in a net emissions increase (actual or potential to emit) unless otherwise required by the Authority.

(2) **Public notice.** Public notice shall be made only after all information required by the Authority has been submitted and after applicable preliminary determinations, if any, have been made. Public notice shall include:

(a) Availability for public inspection in at least one location near the proposed project, of the nonproprietary information submitted by the applicant and of any applicable preliminary determinations, including analyses of the effect(s) on air quality.

(b) Publication in a newspaper of general circulation in the area of the proposed project of notice:

(i) Giving a brief description of the proposal;

(ii) Advising of the location of the documents made available for public inspection;

(iii) Advising of a thirty-day period for submitting written comment to the Authority;

(iv) Advising that a public hearing may be held if the Authority determines within a thirty-day period that significant public interest exists.

(c) A copy of the notice shall be sent to the EPA Regional Administrator.

(d) Public participation procedures for Notice of Construction applications that are processed in coordination with an application to issue or modify an operating permit shall be conducted as provided in ~~((the Operating Permit Rule))~~ SWAPCA 401.

(3) **Public comment.** No final decision on any application or action of any of the types described in subsection (1) of this section, shall be made until the public comment period has ended and any comments received have been

considered. Unless a public hearing is held, the public comment period shall be the thirty-day period for written comment published as provided above. If a public hearing is held, the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.

(4) **Public hearings.** The applicant, any interested governmental entity, any group or any person may request a public hearing within the thirty-day period published as above. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. The Authority may, ~~((in its))~~ at the discretion of the Control Officer, hold a public hearing if it determines significant public interest exists. Any such hearing(s) shall be held upon such notice and at a time(s) and place(s) as the Authority deems reasonable.

(5) **Other requirements of law.** Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, such procedures may be used in lieu of the provisions of this section.

(6) **Public information.** Copies of Notices of Construction, regulatory orders, and modifications thereof which are issued hereunder shall be available for public inspection on request at the Authority.

SWAPCA 400-172 Technical Advisory Council

(1) **Purpose.** To provide input to the Board of Directors regarding technical and practical aspects of present and proposed regulations. To provide a cross section of knowledge of air quality problems and methods of reducing air pollution in the Southwest Air Pollution Control Authority's jurisdiction.

(2) **Objectives.** Review regulations and make recommendations to conform with the federal and state requirements and SIP.

(a) Study changes of the federal and state clean air acts. Draft and make recommendations for necessary revisions to SWAPCA regulations. Provide technical support for those recommendations.

(b) Participate, as requested by the Board of Directors, in SIP revisions required by the FCAA as the revisions effect the region.

(3) **Committee.** The committee shall consist of at least seven members. These members shall represent, with technical interest, the public at large and the legal profession, with at least two members being representatives of industry. Each member shall retain the right to vote.

(4) **Chair.** The Chair of the Board of Directors shall serve as the ex officio member and Chair of the Technical Advisory Council. The Technical Advisory Council may adopt rules of procedure and shall meet on call subject to timely notice. The Technical Advisory Council shall elect a Vice Chair from the Council who shall retain the right to vote.

(5) **Term of Office.** Members may be appointed for a three year term ending June 30 of the third year of said term. No member shall serve for more than two consecutive three year terms.

SWAPCA 400-180 Variance

Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may

apply to the Authority for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants in accordance with the provisions of RCW 70.94.181.

(1) **Jurisdiction.** Sources in any area over which the Authority has jurisdiction shall make application to the Authority. Variances to state rules shall require approval of Ecology prior to being issued by the Authority. The Board of Directors may grant a variance only after public involvement per SWAPCA 400-171.

(2) **Full faith and credit.** Variances granted in compliance with state and federal laws by the Authority for sources under its jurisdiction shall be accepted as variances to this regulation.

(3) **EPA concurrence.** No variance or renewal shall be construed to set aside or delay any requirements of the Federal Clean Air Act except with the approval and written concurrence of the USEPA.

SWAPCA 400-190 Requirements for Nonattainment Areas

The development of specific requirements for nonattainment areas shall include consultation with local government in the area and shall include public involvement per SWAPCA 400-171.

AMENDATORY SECTION

SWAPCA 400-200 Creditable Stack Height and Dispersion Techniques

(1) **Applicability.** These provisions shall apply to all sources except:

(a) Stacks for which construction had commenced on or before December 31, 1970, except where pollutants are being emitted from such stacks used by sources which were constructed, or reconstructed, or for which major modifications were carried out after December 31, 1970;

(b) Coal-fired steam electric generating units subject to the provisions of Section 118 of the Federal Clean Air Act, which commenced operation before July 1, 1957, and for whose stacks construction commenced before February 8, 1974;

(c) Flares;

(d) Open burning for agricultural or silvicultural purposes as covered under the Smoke Management Plan;

(e) Residential wood combustion and open burning for which episodic restrictions apply.

These provisions shall not be construed to limit the actual stack height.

(2) **Prohibitions.** No source may use dispersion techniques or excess stack height to meet ambient air quality standards or PSD increment limitations.

(a) **Excess stack height.** Excess stack height is that portion of a stack which exceeds the greater of:

(i) Sixty-five meters (213.25 feet), measured from the ground level elevation at the base of the stack; or

(ii) $H_g = H + 1.5L$ where:

H_g = "good engineering practice" (GEP) stack height, measured from the ground level elevation at the base of the stack, H = height of nearby structure(s) measured from the ground level elevation at the base of the stack, L = lesser dimension, height

or projected width, of nearby structure(s), subject to the provisions below.

"Nearby," as used in this subsection for purposes of applying the GEP formula means that distance up to five times the lesser of the height or the width dimension of a structure, but not greater than 0.8 kilometer (1/2 mile).

(b) **Dispersion techniques.** Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This does not include:

(i) The reheating of a gas stream, following the use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

(ii) The merging of gas streams where:

(A) The source was originally designed and constructed with such merged gas streams, as demonstrated by the source owner(s) or operator(s).

(B) Such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion shall apply only to the emission limitation for the pollutant affected by such change in operation.

(C) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons, and not primarily motivated by an intent to gain emissions credit for greater dispersion.

(3) **Exception.** The Authority may require the use of a field study or fluid model to verify the creditable stack height for the source. This also applies to a source seeking credit after the effective date of this rule for an increase in existing stack height up to that established by the GEP formula. A fluid model or field study shall be performed according to the procedures described in the *EPA Guideline for Determination of Good Engineering Practice Height* (Technical Support Document of the Stack Height Regulations). The creditable height demonstrated by a fluid model or field study shall ensure that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.

(a) "Nearby," as used in this subsection for conducting a field study or fluid model, means not greater than 0.8 km, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten times the maximum height of the feature, not to exceed two miles if such feature achieves a height 0.8 km from the stack that is at least forty percent of the GEP stack height or twenty-six meters ((f)), whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

(b) "Excessive concentration" is defined for the purpose of determining creditable stack height under this subsection and means a maximum ground-level concentration owing to

a significant downwash effect which contributes to excursion over an ambient air quality standard. For sources subject to PSD review (WAC 173-400-141 and 40 CFR 52.21) an excessive concentration alternatively means a maximum ground-level concentration owing to a significant downwash effect which contributes to excursion over a PSD increment. The emission rate used in this demonstration shall be the emission rate specified in the State Implementation Plan, or in the absence of such, the actual emission rate of the source. "Significant downwash effect" means a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least forty percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

SWAPCA 400-205 Adjustment for Atmospheric Conditions

Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant is prohibited, except as directed according to air pollution episode regulations as specified at SWAPCA 400-230(5).

SWAPCA 400-210 Emission Requirements of Prior Jurisdictions

Any emissions unit that was under the jurisdiction of the Authority and now is under the jurisdiction of Ecology, shall meet all emission requirements that were applicable prior to transfer of jurisdiction if those standards are more stringent than the standards of this regulation or the specific regulation relating to that source.

SWAPCA 400-220 Requirements for Board Members

(1) **Public interest.** A majority of the members of the Authority's Board of Directors shall represent the public interest. A majority of the members of the Board, shall not derive any significant portion of their income from persons subject to enforcement orders pursuant to the State and Federal Clean Air Acts. An elected public official and the Board shall be presumed to represent the public interest. In the event that a member derives a significant portion of his/her income from persons subject to enforcement orders, he/she shall delegate sole responsibility for administration of any part of the program which involves these persons to an assistant.

(2) **Disclosure.** Each member of the Authority's Board of Directors shall adequately disclose any potential conflict of interest in any matter prior to any action or consideration thereon, and the member shall remove themselves from participation as a Board member in any action or voting on such matter.

(3) **Define significant income.** For the purposes of this section, "significant portion of income" shall mean twenty percent of gross personal income for a calendar year. In the case of a retired person, "significant portion of income" shall mean fifty percent of income in the form of pension or retirement benefits from a single source other than Social Security. Income derived from employment with local or state government shall not be considered in the determination of "significant portion of income".

AMENDATORY SECTION

SWAPCA 400-230 Regulatory Actions & Civil Penalties

1. The Authority shall have the power to issue such orders as necessary to effectuate the purpose of RCW 70.94 as provided in, including but not limited to: RCW 70.94.141, RCW 70.94.152, RCW 70.94.153, and RCW 70.94.332. The Authority may issue orders for establishing limits and controls for sources of emissions to the ambient air or otherwise controlling activities that may violate any ambient air quality regulations, including but not limited to the following:

(a) Order of Approval. An Order of Approval may be issued by the Authority to provide approval for a Notice of Construction application. An Order of Approval shall contain the following, as appropriate: reference to applicable regulations, emissions limitations, control and process equipment operating conditions and limits, testing requirements, monitoring and reporting requirements, and other conditions considered necessary by the Authority. An Order of Approval which constitutes the final determination of the Authority, shall be issued within sixty (60) calendar days of a complete application or for those projects subject to public notice, as promptly as possible after the 30 calendar day public notice requirements have been satisfied. An Order of Approval may not identify all applicable regulations. All Orders of Approval may be subject to the public notice and comment procedures set forth in SWAPCA 400-171 (2), (3), and (4).

(b) Order of Denial. An Order of Denial may be issued by the Authority in response to a Notice of Construction application that is incomplete, not feasible, proposes inadequate control technology, or otherwise would result in violation of any ambient air quality regulation, control technology requirement, or emission standards in the area in which the equipment would be located and operated. All Orders of Denial shall be subject to the public notice and comment procedures set forth in SWAPCA 400-171 (2), (3), and (4).

(c) Order of Violation. An Order of Violation may be issued by the Authority to document specific regulation(s) alleged to be violated and establish the facts surrounding a violation. An Order of Violation may be prepared by the Authority only after formal written notice has been served on the source as provided in (2) below. The Order of Violation shall not be subject to the public notice and comment period set forth in SWAPCA 400-171.

(d) Order of Prevention. An Order of Prevention may be issued by the Authority to a source to prevent installation or construction of an emission unit, performance of an activity, or actions that may otherwise endanger public health that are on site, in the process of being installed, or have been installed, constructed or operated without prior Authority review and approval or actions are being conducted in addition to a previous Authority approval without prior approval. An Order of Prevention shall not be subject to the public notice and comment period set forth in SWAPCA 400-171.

(e) Consent Order. A Consent Order may be issued by the Authority to establish emission limits, operation and maintenance limits or controls, monitoring or reporting

requirements, testing requirements, or other limits or controls as necessary that are determined by the Authority to be necessary. Actions identified in a Consent Order may be necessary to demonstrate compliance with applicable regulations, provide measures whereby a source may take the necessary steps to achieve compliance, establish a schedule for activities, or provide other information that the Control Officer deems appropriate. The Consent Order shall be agreed to and signed by an appropriate officer of the company or source for which the Consent Order is prepared and the Control Officer, or designee, of the Authority. Installation, construction, modification or operation of a source shall be subject to the New Source Review requirements of SWAPCA 400-110. A Consent Order shall not be subject to the public notice and comment period set forth in SWAPCA 400-171 at the discretion of the Control Officer.

(f) Compliance Schedule Order. A Compliance Schedule Order may be issued by the Authority to a source to identify specific actions that must be implemented to establish, maintain, and/or demonstrate compliance with applicable regulations and identify the schedule by which these actions must be completed. All Compliance Schedule Orders shall be subject to the public notice and comment period set forth in SWAPCA 400-171 (2), (3), and (4). Refer to SWAPCA 400-161 for further guidance.

(g) Order of Discontinuance. The Authority may issue an Order of Discontinuance for any source that has discontinued operations and/or has not maintained their source registration for emission units. (Refer to SWAPCA 400-100 (2)(d)). An Order of Discontinuance may also be issued to a source that continues to operate in violation of applicable regulations and requirements. Such issuance may require that the source cease operations that result in emissions to the ambient air that are in violation of applicable regulatory orders, requirements and regulations.

(i) Any source that fails to maintain registration fees (i.e., payment of registration fees by July 31 of each year), may be issued an Order of Discontinuance. The Order of Discontinuance shall identify the source location and emission units and identify the most current registration activity.

(ii) The Order of Discontinuance shall provide for discontinuance of operations at that source or facility and all previous authorizations, orders, agreements or stipulations shall be superseded, directly or indirectly, by the Order of Discontinuance without specific identification in the Order of Discontinuance.

(iii) The Order of Discontinuance shall be subject to the public notice and comment procedures set forth in SWAPCA 400-171 (2), (3), and (4).

(iv) For sources that have ceased doing business in SWAPCA jurisdiction, or the state of Washington, the Authority shall make a reasonable effort to establish contact with the source. If the Authority is unable to establish contact with the source, the Authority shall issue an Order of Discontinuance via certified mail, return receipt requested, to the last known address. Lack of response by the source or return of the notification by the US Postal Service shall be considered de facto evidence that the source has discontinued operations.

(v) The source shall have 30 calendar days from the date of the final regulatory order after public notice in which

to pay past due and current registration fees. If the source fails to pay current registration fees, the source or facility shall be considered discontinued and shall be required to submit a Notice of Construction application under the New Source Review procedures of SWAPCA 400-110 prior to resuming or restarting operations.

(vi) Facilities that terminate operations and discontinue paying registration fees, and are later sold with the intent of restart, in whole or in part, shall be subject to the New Source Review requirements of SWAPCA 400-110.

(vii) Sources that continue to operate in violation of established regulatory orders and regulations, the Authority may issue an Order of Discontinuance that is effective immediately.

(h) Corrective Action Order. The Authority may issue a Corrective Action Order to any source within its jurisdiction, including an unregistered source, to provide measures to correct or rectify a situation that has immediate or eminent threat to person(s) or the public or that may be in violation or have the potential of being in violation of federal, state and local regulations or may pose a threat to the public health, welfare or enjoyment of personal or public property. The Corrective Action Order may specify specific actions that must be implemented to demonstrate compliance with applicable regulations and identify dates by which these actions must be completed. All actions and dates identified in the Corrective Action Order shall be fully enforceable. Corrective Action Orders shall be issued to correct immediate problems. Corrective Action Orders shall not be subject to the public notice and comment period set forth in SWAPCA 400-171.

(i) Administrative Order. An Administrative Order may be issued to a source by the Authority to provide for implementation of items not addressed above, that are identified by the Control Officer. An Administrative Order may contain emission limits, operating and maintenance limitations and actions, schedules, resolutions by the Board of Directors, provide for establishing attainment or nonattainment boundaries, establish working relationships with other regulatory agencies, establish authority for enforcement of identified actions, and other activities identified by the Authority. All Administrative Orders shall be subject to the public notice and comment procedures set forth in SWAPCA 400-171 (2), (3), and (4).

(j) Resolutions. A Resolution may be issued by the Authority as a means to document or record a Board of Directors decision, authorize or approve budget transactions, establish policies, or other actions as determined by the Authority. Resolutions shall not be subject to the public notice and comment procedures set forth in SWAPCA 400-171.

2. The Authority may take any of the following regulatory actions to enforce its regulations to meet the provisions of RCW 43.21B.300 which is incorporated herein by reference.

((H)) (a) Enforcement Actions by the Authority— Notice of Violation. At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 and 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 this regulation, or the rule, ((E)) regulation, regulatory order or

permit requirement alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the Authority may require that the alleged violator or violators appear before it for the purpose of providing the Authority information pertaining to the violation or the charges complained of. Every Notice of Violation shall offer to the alleged violator an opportunity to meet with the Authority prior to the commencement of enforcement action. Enforcement action may be commenced by the Authority by issuance of a regulatory order as provided in SWAPCA 400-230(1).

~~((2))~~ (b) **Civil Penalties.**

~~((a))~~ (i) In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of Chapter 70.94 or 70.120 RCW, or any of the rules in force under such chapters may incur a civil penalty in an amount as set forth in RCW 70.94.431. 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. Any person who fails to take action as specified by an order issued pursuant to this regulation shall be liable for a civil penalty as set forth by RCW 70.94.431 for each day of continued noncompliance.

~~((b))~~ (ii) 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. The maximum penalty amounts established in RCW 70.94.431 may be increased annually to account for inflation as determined by the State Office of the Economic and Revenue Forecast Council.

~~((c))~~ (iii) Each act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300. Section 113 (e)(2) of the 1990 Clean Air Act Amendments provides that the number of "days of violation" is to be counted beginning on the first proven day of violation and continuing every day until the violator demonstrates that it achieved continuous compliance, unless the violator can prove by preponderance of the evidence that there were intervening days on which no violation occurred. This definition applies to all civil and administrative penalties.

~~((d))~~ (iv) All penalties recovered under this section by the Authority, shall be paid into the treasury of the Authority and credited to its funds.

~~((e))~~ (v) To secure the penalty incurred under this section, the Authority shall have a lien on any equipment used or operated in violation of its regulations which shall be enforced as provided in RCW 60.36.050. The Authority shall also be authorized to utilize a collection agency for nonpayment of penalties and fees.

~~((f))~~ (vi) In addition to other penalties provided by this regulation, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late

with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(3) **Assurance of Discontinuance.** The Control Officer may accept an assurance of discontinuance as provided in RCW 70.94.435 of any act or practice deemed in violation of this regulation as written and certified to by the source. Any such assurance shall specify a time limit during which discontinuance or corrective action is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of its regulations or any order issued thereunder which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the Superior Court.

(4) **Restraining Orders~~(s)~~ & Injunctions.** Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of its regulations, the Control Officer, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) **Emergency Episodes.** The Authority may issue such orders as authorized by WAC 173-435 via Chapter 70.94 RCW, whenever an air pollution episode forecast is declared.

(6) **Compliance Orders.** The Authority may issue a compliance order in conjunction with a Notice of Violation or when the Control Officer has reason to believe a regulation is being violated, or may be violated. The order shall require the recipient of the Notice of Violation either to take necessary corrective action or to submit a plan for corrective action and a date when such action will be initiated and completed.

SWAPCA 400-240 Criminal Penalties

Persons in violation of the Authority's regulations or Title 173 WAC may be subject to the provisions of RCW 70.94.430.

AMENDATORY SECTION

SWAPCA 400-250 Appeals

(1) Any decision or regulatory o~~(t)~~ order issued by ~~((e))~~ the Authority may be appealed to the Board of Directors as provided herein or appealed directly to the Pollution Control Hearings Board as provided by RCW 43.21B and WAC 371-08. In addition, Orders of Approval and permits issued in accordance with the PSD program may be appealed to the EPA Environmental Appeals Board, to the extent authorized in 40 CFR 124. If appealed to the Board of Directors, the procedure shall be as follows:

(a) The decision, Notice of Violation, or Order issued by the Control Officer shall become final unless, not later than 15 calendar days after the date the Order is served upon the owner or applicant, the owner or applicant petitions the Control Officer for reconsideration, with reasons for the reconsideration. If the Control Officer refuses to reconsider, the Control Officer shall so notify the owner or applicant in writing, giving reasons for the decision. Such ruling on the petition shall become final unless not later than 15 calendar days after such notice of refusal is served, the owner or

applicant appeals to the Board setting forth the reasons for the appeal.

(b) The Control Officer may reverse or modify the Order and issue such an Order in replacement thereof as deemed proper. Such Order also may be appealed to the Board of Directors as in (a) above.

(c) Any failure of the Control Officer to act upon a petition for reconsideration 15 calendar days after the petition is delivered to the Authority, shall be considered as a refusal to reconsider.

(d) In lieu of a petition for reconsideration, the owner or applicant may appeal directly to the Board of Directors within the time specified in (a) above.

(2) The Board shall promptly hear and consider all appeals after providing reasonable notice to the appellant. The Board shall, within 30 calendar days of the hearing sustain, reverse or modify the Order of the Control Officer as it deems proper. Such ruling of the Board shall be communicated to the appellant in writing and the appellant if aggrieved, may appeal de novo to the Pollution Control Hearings Board as provided in RCW 43.21B.120 and WAC 371-08.

(3) It is the intent of the Board in establishing this regulation concerning appeals to provide for a method of resolving issues at the Authority level. Consequently, Decisions and Orders of the Control Officer on compliance, new source review, or any other matter regulated herein except violations shall not be considered as commencing any appeal period for appeals to the Pollution Control Hearings Board. Such appeal period shall commence only when the final Order is issued by the Board of Directors and served upon the person aggrieved as provided in RCW 43.21B.120.

(4) Nothing contained herein shall be construed as denying the exclusive jurisdiction of the Pollution Control Hearings Board on violations as provided by RCW 43.21B.120.

SWAPCA 400-260 Conflict of Interest

All board members and officials acting or voting on decisions affecting air pollution sources, must comply with the Federal Clean Air Act, as it pertains to conflict of interest, and 40 CFR 103(d) which is incorporated by reference.

NEW SECTION

SWAPCA 400-270 Confidentiality of Records and Information

(1) The owner or operator (or person submitting the information) is responsible for clearly identifying the information that is considered proprietary and confidential prior to submittal to the Authority. Information submitted to the Authority that has not been identified as confidential at the time of submittal may not be classified as confidential at a later date.

(2) Confidential information submitted to the Authority by an owner or operator shall be stamped or clearly marked in red ink at the time of submittal. Such information considered to be confidential or proprietary by the owner or operator will be handled as such, and will be maintained by the Authority, to the extent that release of such information may provide unfair economic advantage or compromise

processes, products, or formulations to competitors as provided under RCW 70.94.205. Requests for such information under the Freedom of Information Act shall be released only after:

(a) Legal opinion by the Authority's legal counsel, and

(b) Notice to the source of the intent to either release or deny the release of information.

(3) Records or other information, other than ambient air quality data or emission data, furnished to or obtained by the Authority, related to processes or production unique to the 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 Authority as provided in RCW 70.94.205.

(4) Emissions data furnished to or obtained by the Authority shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at the office of the Authority.

NEW SECTION

SWAPCA 400-280 Powers of Authority

In addition to any other powers vested in the Authority, consistent with RCW 70.94.141, the Authority shall have the power to:

(1) Adopt, amend, and repeal its own rules and regulations, implementing RCW 70.94 and consistent with it, after consideration at a public hearing held in accordance with RCW 42.30. Rules and regulations shall also be adopted in accordance with the notice and adoption procedures set forth in RCW 34.05.320, those provisions of RCW 34.05.325 that are not in conflict with RCW 42.30, and with the procedures of RCW 34.05.340, 34.05.355 through 34.05.380, and with RCW 34.08, except that rules shall not be published in the Washington Administrative Code. Judicial review of rules adopted by the Authority shall be in accordance with Part V of RCW 34.05.

(2) Hold hearings relating to any aspect of or matter in the administration of RCW 70.94 not prohibited by the provisions of Chapter 62, Laws of 1970 ex. sess. and in connection therewith issue subpoenas to compel the attendance of witnesses and the production of evidence, administer oaths and take the testimony of any person under oath.

(3) Issue such orders as may be necessary to effectuate RCW 70.94 and enforce the same by all appropriate administrative and judicial proceedings subject to the rights of appeal as provided in Chapter 62, Laws of 1970 ex. sess.

(4) Require access to records, books, files and other information specific to the control, recovery or release of air contaminants into the atmosphere.

(5) Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract, or otherwise.

(6) Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution within the jurisdiction of the Authority.

(7) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of RCW 70.94.

(8) Encourage and conduct studies, investigations and research relating to air pollution and its causes, effects, prevention, abatement and control.

(9) Collect and disseminate information and conduct educational and training programs relating to air pollution.

(10) Advise, consult, cooperate and contract with agencies and departments and the educational institutions of the state, other political subdivisions, industries, other states, interstate or interlocal agencies, and the United States government, and with interested persons or groups.

(11) Consult, upon request, with any person proposing to construct, install, or otherwise acquire an air contaminant source or device or system, concerning the efficacy of such device or system, or the air pollution problems which may be related to the source, device or system. Nothing in any such consultation shall be construed to relieve any person from compliance with RCW 70.94, ordinances, resolutions, rules and regulations in force pursuant thereto, or any other provision of law.

(12) Accept, receive, disburse and administer grants or other funds or gifts from any source, including public and private agencies and the United States government for the purpose of carrying out any of the functions of RCW 70.94.

WSR 95-19-001
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3893—Filed September 6, 1995, 4:36 p.m.]

Date of Adoption: September 6, 1995.

Purpose: Expands the state's recovery of medical assistance, both what services may be included in the state recovery and who the state may now recover from. New WAC 388-527-2730, 388-527-2735, 388-527-2740, 388-527-2742, 388-527-2750, 388-527-2752, 388-527-2753, 388-527-2754, and 388-527-2790.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-527-2710 Recovery from estates and 388-527-2720 Restitution.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: SHB 1908.

Adopted under notice filed as WSR 95-17-030 on August 9, 1995.

Changes Other than Editing from Proposed to Adopted Version: Among the comments was that the proposed rules were convoluted and unnecessarily repetitive. The commenters suggested the rules be reorganized. We pursued their suggestion and agree that rules using their reorganization pattern are easier to read and understand. Thus, in response to these comments we have rearranged the provisions originally proposed in the manner described in the chart immediately below. Note that the column on the far right states whether the text of the proposed rule as published in the register differs from the final version; where the text differs, the reason is summarized in the third column of the chart immediately below and a more thorough explanation of the reason for the change follows.

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Proposed Rule Provision	Final Rule Provision	Provision Changed ? If So, The Reason
Section 2730:		
(1) (a)	2730 (1) (a)	Response to comments
(1) (b)	2730 (1) (b)	No change in content
(2)	2730 (2)	No change in content
(3)	2730 (3)	No change in content
Section 2740:		
(1) (a)	2735, 2740 (1) (a), 2742 (1) (a)	No change in content
(1) (b)	2790 (1)	No change in content
(2)	2753	No change in content
(3) (a)	2754 (1)	No change in content
(3) (b)	2754 (2)	No change in content
Section 2742:		
(1) (a)	2735, 2740 (1), 2742 (1)	No change in intended content
(1) (b)	2790 (1)	No change in content
(2)	2753	No change in content
(3)	2752	No change in content
(4)	2750	Response to comments
Section 2744:		
(1) (a)	2735, 2740 (1), 2742 (1)	Response to comments

(1) (b)	2790 (1)	No change in content
(2)	2753	No change in content
(3)	2752	No change in content
(4)	2750	Response to comments
Section 2770:		
(1) (a)	2735, 2740 (2), 2742 (2)	No change in content
(1) (b)	2790 (1)	No change in content
[No (2)]	Not Applicable	Not Applicable
(3)	2752	No change in content
(4)	2750	Response to comments
Section 2790:		
	2790	No change in content

Proposed Repeal of Rule	Final Repeal of Rule	Variance Between Proposed and Final Rule Provisions
Section 2710:	2710	No change in content
Section 2720:	2720	No change in content

Proposed and final WAC 388-527-2730 (1)(a), definition of estate.

The definition of estate was changed in response to comments that the proposed rule must conform to statutory law. The changes are:

1. The definition was expanded to include assets passing through intestate succession.
2. The definition was reworded to conform to RCW 11.02.005. In doing so the word "conveyed" which was objected to in proposed subsection (1)(a)(ii) was not carried forward into the final rule.
3. The statutory exception for nonprobate assets passing through a community property agreement is explicitly stated in the definitions.

One comment was that a separate subsection be adopted excluding from the definition of estate property passing to a spouse by a community property agreement. This suggestion was adopted for nonprobate assets as the exception is in the governing statute, RCW 43.20B.080 as amended in the 1995 legislative session in E2SHB 1908 at section 67(3) (chapter 18, section 67(3), 1st sp. sess.). It was not adopted for assets that pass in other ways because the legislature has not directed the department to exempt them in these other circumstances.

Proposed WAC 388-527-2742 (1)(a)(ii), 388-527-2744 (1)(a)(ii), and final WAC 388-527-2740 (1)(b) and (c) on

liability for medical assistance services when the client attains age fifty-five.

Commenters noted that the proposal would impose liability beginning at age fifty-four when the mandatory federal threshold in fifty-five. The proposal was not intended to permit recovery when the client received medical assistance at age fifty-four. The final rule unambiguously states liability for such services begins at age fifty-five.

Proposed WAC 388-527-2742(4), 388-527-2744(4), 388-527-2770(4) and final WAC 388-527-2750 (1)(b), (c), (3), (4), undue hardship.

1. In response to the objections and comments, the following language in the proposed rules has not been carried forward into the final rules:

Undue hardship does not exist when....[t]he deceased client created the hardship through estate planning methods by which the client divested assets to avoid estate recovery. There is a rebuttable presumption that if the deceased client obtained estate planning advice from legal counsel and followed this advice, the resulting financial situation does not qualify for an undue hardship waiver.

The department had proposed these provisions as necessary under federal authority for federal participation in Title XIX medical assistance expenditures. One of the commenters pointed to federal material that makes such a provision optional with states. All of the commenters objected to the provision and urged that adoption could be

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contrary to public policy. These comments were persuasive and, as a result, the provision was not adopted in final rules.

2. The proposed text stating when there is undue hardship attracted comments. One was to expand a proposed subsection and another was to add a new subsection as indicated here by the underlined words:

Undue hardship exists when:...[r]ecover would result in the impoverishment of one of the heirs; or [r]ecover would deprive an heir to the property of shelter and the heir lacks the financial means to obtain and maintain shelter.

The first suggestion was a clarification of the proposed rule and is adopted in the final rule. The commenters described their second suggestion as needed because the proposed rules did not cover the situation, yet in their experience the circumstance was both common and a hardship. The final rule adopts the suggestion for the reasons given by the commenters.

3. Some commenters were concerned that the detailed adjudication application requirement in the proposed rule would not be understood by every person the rule might apply to. They suggested that any decision denying a waiver request specify the appeal rights and state where to seek assistance. The final rule adopts the suggestion for the reasons given by the commenters.

Proposed WAC 388-527-2744 (1)(a)(i)(C)-(E) and (ii) (C)-(E) and final WAC 388-527-2742 (1), (a), (b) and (c), services subject to recovery.

A number of comments objected to the proposed rule imposing liability for specified medical services received before the date the rules become effective. The department was urged to recover for the newly designated services only after clients have been given actual notice that the services are subject to recovery; or at the very least recovery should be for services provided after July 1, 1995, the effective date of the law. In response to these comments, the final rules make liability begin as of the effective date of the law.

The principal reasons for adopting the changes are as follows: These changes were based on the various comments received.

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 9, 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 9, amended 0, repealed 0.

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

September 6, 1995
Kenneth R. Harden
Assistant Secretary
for Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

NEW SECTION

WAC 388-527-2730 Estate recovery definitions.

(1)(a) For estate recovery purposes, "estate" includes:

(i) For a client who dies before July 1, 1995, all real and personal property and any other assets that pass upon the client's death under the client's will or by intestate succession pursuant to chapter 11.04 RCW; and

(ii) For a client who dies after June 30, 1995, "estate" also includes nonprobate assets as defined by RCW 11.02.005, except property passing through a community property agreement.

(b) The value of the estate shall be reduced by any valid liability against the deceased client's property at the time of death.

(2) "Long-term care services" means the services administered directly or through contract by the aging and adult services administration of the department, including but not limited to nursing facility care and home and community services. "State-funded long-term care" means the long-term care services that are paid with state funds and do not include federal funds.

(3) "Medical assistance" means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the Federal Social Security Act.

NEW SECTION

WAC 388-527-2735 Liability for medical care. (1)

A client's estate may be liable for the cost of medical care the department correctly paid on the client's behalf.

(2) The rules in this chapter state when the client's estate is liable for medical care the department paid and when the department shall seek recovery.

NEW SECTION

WAC 388-527-2740 Age when recovery applies.

Whether the client's estate is liable for the cost of medical care provided depends, in part, upon the client's age and when the services were received. Subsection (1) of this section covers liability for medical assistance and subsection (2) covers liability for state-funded long-term care services. An estate may be liable under both subsection.

(1)(a) When a client was age sixty-five or older on July 1, 1994, the estate is liable for medical assistance provided on and after the date the client became age sixty-five.

(b) When the client was age fifty-five through sixty-four years of age on July 1, 1994, the estate is liable for medical assistance provided on and after July 1, 1994.

(c) When a client was under age fifty-five on July 1, 1994, the estate is liable for medical assistance provided on and after the date the client became age fifty-five.

(2) The estate is liable for state-funded long-term care services provided on and after July 1, 1995 regardless of the client's age when the services were provided.

NEW SECTION

WAC 388-527-2742 Services subject to recovery.

Whether the client's estate is liable for medical care provided depends, in part, upon what medical services the client received and the dates when services were provided. Subsection (1) of this section covers liability for medical

assistance and subsection (2) covers liability for state-funded long-term care services. An estate can be liable under both subsections.

(1)(a) The estate is liable for all medical assistance services provided before July 1, 1994;

(b) The estate is liable for the following medical assistance services provided after June 30, 1994 and before July 1, 1995:

- (i) Nursing facility services;
- (ii) Home and community-based services; and
- (iii) Related hospital services and prescription drug services.

(c) The estate is liable for the following medical assistance services provided after June 30, 1995:

- (i) Nursing facility services;
- (ii) Home and community-based services;
- (iii) Adult day health;
- (iv) Medicaid personal care;
- (v) Private duty nursing administered by the aging and adult services administration of the department; and
- (vi) Related hospital and prescription drugs services.

(2) The estate is liable for all state-funded long-term care services and related hospital and prescription drug services provided after June 30, 1995.

NEW SECTION

WAC 388-527-2750 Waiver of recovery if undue hardship. The department shall waive recovery under this section when recovery would work an undue hardship except as provided in subsection (3) of this section. This waiver is limited to the period during which undue hardship exists.

(1) Undue hardship exists when:

(a) The estate subject to adjustment or recovery is the sole income-producing asset of the heirs and income is limited; or

(b) Recovery would result in the impoverishment of one of the heirs; or

(c) Recovery would deprive an heir to the property of shelter and the heir lacks the financial means to obtain and maintain alternative shelter.

(2) Undue hardship does not exist when:

(a) The adjustment or recovery of the client's cost of assistance would merely cause the client's family members inconvenience or restrict the family's lifestyle.

(b) The heir divests assets to qualify under the undue hardship provision.

(3) The department shall not waive recovery based on undue hardship when a deceased client's assets were disregarded in connection with a long-term care insurance policy or contract under chapter 48.85 RCW.

(4) A person who requests the department to waive recovery in whole or in part, and who suffers a loss because the request is not granted, may contest the department's decision in an adjudicative proceeding. The department's decision shall state the requirements for an application for an adjudicative proceeding and state where assistance might be obtained to make an application. The proceeding shall be governed by chapters 34.05 RCW and 388-08 WAC and this section. If a provision in this section conflicts with a provision in chapter 388-08 WAC, the provision in this

section governs. An application for an adjudicative proceeding must:

(a) Be in writing;

(b) State the basis for contesting the department's denial of the request to waive recovery;

(c) Include a copy of the department's denial of the request to waive recovery;

(d) Be signed by the applicant and the state and applicant's address and telephone number;

(e) Be served within twenty-eight days of the date the applicant received the department's decision denying the request for a waiver. An application filed up to thirty days late may be treated as if timely filed if the applicant shows good cause for filing late; and

(f) Be served on the office of financial recovery in a manner which shows proof of receipt, such as personal service or certified mail, return receipt requested. The mailing address of the Office of Financial Recovery is: P.O. Box 9501, Olympia WA 98507-9501. The physical location of the Office of Financial Recovery is Capitol View Building, Second Floor, 712 Pear Street Southeast, Olympia, Washington.

NEW SECTION

WAC 388-527-2752 Deferring recovery. When the client died after June 30, 1994 the department shall defer recovery from the estate until:

(1) The death of the surviving spouse, if any, and

(2) There is no surviving child who is:

(a) Under twenty-one years of age, or

(b) Blind or disabled as defined under chapter 388-511 WAC.

NEW SECTION

WAC 388-527-2753 No liability for medical care. The client's estate is not liable when the client died before July 1, 1994 and on the date of death there was:

(1) A surviving spouse; or

(2) A surviving child who was either:

(a) Under twenty-one years of age; or

(b) Blind or disabled as defined under chapter 388-511 WAC.

NEW SECTION

WAC 388-527-2754 Assets not subject to recovery. (1) When a client died before July 25, 1993 with no surviving spouse or blind or disabled child, but with a surviving child, recovery does not apply to the first fifty thousand dollars of the estate value at the time of death and recovery is limited to thirty-five percent of the remaining value of the estate.

(2) When a client died after July 24, 1993 and before July 1, 1994, the department shall not seek recovery against the following property, up to a fair market value of two thousand dollars, from the estate of the client:

(a) Family heirlooms,

(b) Collectibles,

(c) Antiques,

(d) Papers,

(e) Jewelry,

(f) Photos, and

(g) Other personal effects of the deceased client and to which a surviving child is entitled.

NEW SECTION

WAC 388-527-2790 Filing of a lien. (1) The department shall file liens, seek adjustment, or otherwise effect recovery for medical assistance or state-funded long-term care, or both, correctly paid on behalf of a client as required by 42 U.S.C. 1396p and chapters 43.20B RCW and 388-527 WAC.

(2) When the department seeks to recover from a client's estate the cost of medical assistance or state-funded long-term care, or both, provided to the client, prior to filing a lien against the deceased client's real property, the department shall provide notice to:

- (a) The probate estate's personal representative, if any;
- (b) The decedent's surviving spouse, if any; or
- (c) Any other titled owner of the property affected.

(3) Prior to filing a lien against any of the deceased client's real property, the department shall provide ascertained titled property owners notice and an opportunity for an adjudicative proceeding. The department shall:

(a) Serve upon ascertained titled property owners a notice of intent to file lien, which shall state:

(i) The deceased client's name, social security number, if known, date of birth, and date of death;

(ii) The amount of medical assistance and/or state-funded long-term care correctly paid on behalf of the deceased client the department seeks to recover;

(iii) The department's intent to file a lien against the deceased client's real property to recover the medical assistance or state-funded long-term care, or both, correctly paid on behalf of the deceased client;

(iv) The county in which the real property is located; and

(v) The ascertained titled property owner's right to contest the department's decision to file a lien by filing an application for an adjudicative proceeding with the office of financial recovery; and

(b) Provide an adjudicative proceeding to determine whether:

(i) The amount of medical assistance or state-funded long-term care, or both, correctly paid on behalf of the deceased client alleged by the department's notice of intent to file lien is correct; and

(ii) The deceased client had any legal title or interest in the real property at the time of the client's death.

(4) An application for an adjudicative proceeding must:

(a) Be in writing;

(b) State the basis for contesting the department's notice of intent to file lien;

(c) Be signed by the applicant and state the applicant's address and telephone number;

(d) Be served on the office of financial recovery within twenty-eight days of the date the applicant received the department's notice of intent to file lien. An application filed up to thirty days late may be treated as timely filed if the applicant shows good cause for filing late; and

(e) Be served on the office of financial recovery in a manner in which shows proof of receipt, such as personal

service or certified mail, return receipt requested. The mailing address of the Office of Financial Recovery is P.O. Box 9501, Olympia WA 98507-9501. The physical location of the Office of Financial Recovery is Capitol View Building, Second Floor, 712 Pear Street Southeast, Olympia, Washington.

(5) Upon receipt of an application for an adjudicative proceeding, the department shall provide notice of the proceeding to all other ascertained titled property owners.

(6) An adjudicative proceeding under this section shall be governed by chapters 34.05 RCW and 388-08 WAC and this section. If a provision in this section conflicts with a provision in chapter 388-08 WAC, the provision in this section governs.

(7) If no ascertained titled property owner files an application for the adjudicative proceeding within twenty-eight days of the date the department served a notice of intent to file lien, the department may file a lien against the deceased client's real property for the amount of medical assistance or state-funded long-term care or both, correctly paid on behalf of the deceased client alleged in the notice of intent to file lien.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-527-2710 Recovery from estates.

WAC 388-527-2720 Restitution.

WSR 95-19-002
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3889—Filed September 6, 1995, 4:40 p.m.]

Date of Adoption: September 6, 1995.

Purpose: The new rules affect the AFDC program and are intended to meet the requirements of ESSB 5244, which adds a new section to the [to] chapter 74.12 RCW. This law requires the Department of Social and Health Services to notify parents when AFDC has been approved for their child when the child is living with a nonparent relative. New sections WAC 388-215-1130, 388-215-1140, 388-215-1150, 388-215-1160, and 388-215-1170.

Statutory Authority for Adoption: RCW 74.08.090 and ESSB 5244.

Adopted under notice filed as WSR 95-16-042 on July 21, 1995.

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 5, 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 5, amended 0, repealed 0.

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

September 6, 1995
Kenneth R. Harden
Assistant Secretary
for Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

NEW SECTION

WAC 388-215-1130 Living in the home of a relative of specified degree—Notification to parent of AFDC authorization. When AFDC has been authorized on behalf of a dependent child who is living with a nonparental relative of specified degree, the department shall make reasonable efforts to notify the parent with whom the child most recently resided that an application for AFDC on behalf of the child has been approved unless good cause exists not to do so based on a substantiated claim that the parent has abused or neglected the child.

(1) The department shall notify the parent as soon as reasonably possible but no later than seven calendar days after the date of AFDC approval.

(2) The notification shall advise the parent of:

(a) The provisions of the family reconciliation act under chapter 13.34A RCW; and

(b) The right of the parent to be notified of the address and location of the child as provided under WAC 388-215-1140.

NEW SECTION

WAC 388-215-1140 Living in the home of a relative of specified degree—Request for address disclosure by child's parent. When AFDC has been approved for a child who is living with a nonparental caretaker relative, the address and location of the child may be given to the parent with whom the child most recently resided if the parent has legal custody of the child or a court has granted the parent visitation rights or residential time with the child.

(1) The department shall not release the address if:

(a) The department has determined, under WAC 388-215-1410, that the nonparental caretaker relative has good cause for refusing to cooperate with the department's child support agency in regard to enforcing the address requesting parent's child support obligation;

(b) A court order exists which restricts or limits the address requesting parent's right to contact or visit the child or the nonparental caretaker relative by imposing conditions to protect the caretaker relative or the child from harm;

(c) There is a current investigation or pending case involving abuse or neglect of any child by the address requesting parent under chapter 13.34 RCW; or

(d) There is a substantiated claim that the address requesting parent has abused or neglected any child.

(2) The department shall apply the following additional conditions with regard to the disclosure of a child's address and location under this section:

(a) The address requesting parent must comply with the requirements of WAC 388-215-1150 when submitting a request for disclosure;

(b) The department shall notify the child's caretaker relative of the request for disclosure and provide the relative an opportunity to demonstrate why the disclosure request should be denied following the requirements in WAC 388-215-1160; and

(c) The department shall respond to the address disclosure request following the requirements in WAC 388-215-1170.

NEW SECTION

WAC 388-215-1150 Living in the home of a relative of specified degree—Requirements for submitting a request for disclosure of a child's address. A parent requesting disclosure of a child's address and location under WAC 388-215-1140 shall submit the request in writing and in person, with satisfactory evidence of identity, at the department's community services office which is currently maintaining the child's case record.

(1) If the request is made by the parent's attorney, the department shall waive the provisions regarding submission in person with satisfactory evidence of identity;

(2) If the parent resides outside the state of Washington, the department shall waive the provision requiring submission in person if the parent:

(a) Submits a notarized request for disclosure; and

(b) Complies with the requirements of subsection (3) of this section.

(3) If the request for disclosure is based upon a court order which grants the parent legal custody of the child or visitation rights or residential time with the child, the parent shall include the following with a request for disclosure of an address:

(a) A copy of the court order; and

(b) A sworn statement that the order has not been modified.

NEW SECTION

WAC 388-215-1160 Living in the home of a relative of specified degree—Notifying the caretaker relative of a request for disclosure of a child's address. Prior to disclosing the address and location of a child to the child's parent under WAC 388-215-1140, the department shall mail a notice to the last known address of the nonparental caretaker relative advising the relative that:

(1) A request for disclosure has been made by the child's parent; and

(2) The office will disclose the address to the parent after thirty days from the date of the notice, unless the caretaker relative:

(a) Provides proof of a pending court case involving abuse or neglect of a child by the parent requesting disclosure;

(b) Provides proof of a current investigation of allegations of abuse or neglect of a child by the parent requesting disclosure;

(c) Provides a copy of a court order which enjoins disclosure of the address or restricts the address requesting party's right to contact or visit the caretaker relative or the child by imposing conditions to protect the nonparental relative or the child from harm, including, but not limited to, temporary orders for protection under chapter 26.50 RCW; or

(d) Requests a fair hearing under chapter 388-08 WAC which ultimately results in a decision that disclosure must be denied because of the existence of one or more of the conditions listed in WAC 388-215-1140(1).

NEW SECTION

WAC 388-215-1170 Living in the home of a relative of specified degree—Responding to a request for disclosure of a child's address. The department shall respond to a parent's request for disclosure of a child's address made under WAC 388-215-1170 within thirty-five days of receiving the request. The response will notify the parent:

(1) Of the child's address and location if such information may be disclosed under the requirements of WAC 388-215-1140;

(2) That the child's address and location may not be disclosed under the requirements of WAC 388-215-1140, including the reasons for denying the parent's request; or

(3) That a decision on address disclosure has not been made because:

(a) The nonparental caretaker relative has requested a fair hearing and a final hearing decision has not been entered; or

(b) The nonparental caretaker relative is claiming good cause for refusing to cooperate with the department's child support agency with regard to enforcing the address requesting parent's child support obligation and the department has not made a final determination on the relative's claim.

(4) When a decision on address disclosure has been delayed because of a pending fair hearing decision or good cause claim, the department shall notify the parent of the decision on address disclosure within ten calendar days of the date of the fair hearing decision or good cause claim determination.

**WSR 95-19-003
PERMANENT RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3892—Filed September 6, 1995, 4:41 p.m.]

Date of Adoption: September 6, 1995.

Purpose: This new rule affects general assistance and is intended to meet the requirements of a new section added to RCW 74.08.290. It provides that recipients of general assistance benefits who are convicted under RCW 74.08.331 will be ineligible for not less than six months for the first conviction, and not less than twelve months for a second or subsequent conviction.

Citation of Existing Rules Affected by this Order: New WAC 388-46-110 Disqualification period for recipients convicted of unlawfully obtaining assistance.

Statutory Authority for Adoption: RCW 74.08.331 and 74.08.290.

Other Authority: SB 5652.

Adopted under notice filed as WSR 95-16-017 on July 21, 1995.

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.

September 6, 1995

Kenneth R. Harden

Assistant Secretary

for Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

Chapter 388-46 WAC

RECIPIENT FRAUD(~~—REFERRAL TO PROSECUTOR~~)

NEW SECTION

WAC 388-46-110 Disqualification period for recipients convicted of unlawfully obtaining assistance. (1) A recipient convicted of unlawful practices in obtaining general assistance shall be disqualified from receiving further general assistance benefits.

(2) The disqualification shall apply only to convictions based on actions which occurred on or after July 23, 1995.

(3) The length of the disqualification shall be for a period to be determined by the court.

(4) The department shall terminate benefits to a recipient disqualified under this section following notice requirements specified under chapter 388-245 WAC.

**WSR 95-19-005
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3890—Filed September 6, 1995, 4:43 p.m.]

Date of Adoption: September 6, 1995.

Purpose: This revision clarifies the requirement that a sponsor's income is considered available for the three years following the sponsored alien's entry for permanent residence into the United States.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-218-1695 Deeming of income—Alien sponsorship.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: RCW 74.08.090.

Adopted under notice filed as WSR 95-16-119 on August 2, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 1, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

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

September 6, 1995

Kenneth R. Harden

Assistant Secretary

for Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-218-1695 Deeming of income—Alien sponsorship. (1) For a period of three years following entry for permanent residence into the United States, an individually sponsored alien shall provide the state agency with any information and documentation necessary to determine the income of the sponsor that can be deemed available to the alien, and obtain any cooperation necessary from the sponsor.

(2) For all subsections in this section, the department shall deem the income of an individual sponsor (and the sponsor's spouse if living with the sponsor) to be the unearned income of an alien for three years following the alien's entry for permanent residence into the United States.

(3) Monthly income deemed available to the alien from the individual sponsor or the sponsor's spouse not receiving AFDC or SSI shall be:

(a) The sponsor's total monthly unearned income, added to the sponsor's total monthly earned income reduced by twenty percent (not to exceed one hundred seventy-five dollars) of the total of any amounts received by the sponsor in the month as wages or salary or as net earnings from self-employment, plus the full amount of any costs incurred in producing self-employment income in the month.

(b) The amount described in (a) of this subsection reduced by:

(i) The basic requirements standard for a family of the same size and composition as the sponsor and those other persons living in the same household as the sponsor claimed

by the sponsor as dependents to determine the sponsor's federal personal income tax liability but who are not AFDC recipients;

(ii) Any amounts actually paid by the sponsor to persons not living in the household claimed by the sponsor as dependents to determine the sponsor's federal personal income tax liability; and

(iii) Actual payments of alimony or child support, with respect to persons not living in the sponsor's household.

(4) In any case where a person is the sponsor of two or more aliens, the department shall divide the income of the sponsor, to the extent they would be deemed the income of any one of the aliens under provisions of this section, equally among the aliens.

(5) The department shall not consider the income which is deemed to a sponsored alien in determining the need of other unsponsored members of the alien's family except to the extent the income is actually available.

WSR 95-19-006
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3891—Filed September 6, 1995, 4:44 p.m.]

Date of Adoption: September 6, 1995.

Purpose: Add language clarifying the requirement that a sponsor's resources are considered available for three years following the sponsored alien's entry for permanent residency into the United States.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-216-2350 Resources—Availability of alien sponsor's resources.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: RCW 74.08.090.

Adopted under notice filed as WSR 95-16-120 on August 2, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 1, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

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

September 6, 1995

Kenneth R. Harden

Assistant Secretary

for Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

PERMANENT

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-216-2350 Resources—Availability of alien sponsor's resources. (1) The department shall apply the rules of this section to a sponsored alien who is applying for AFDC or GA and to the sponsor of that alien, unless the alien:

(a) Meets the definition of an asylee, Amerasian, or refugee in WAC 388-55-010;

(b) Is a Cuban or Haitian entrant, as defined in section 501(3) of the Refugee Education Assistance Act of 1980; or

(c) Is the dependent child of the sponsor or sponsor's spouse.

(2) A sponsor is defined as any person or public or private organization executing an affidavit or affidavits of support or similar agreement on behalf of an alien (who is not the child of the sponsor or the sponsor's spouse) as a condition of the alien's entry into the United States.

(3) Sponsorship shall affect the eligibility of an alien for a period of three years from the date of entry for permanent residence into the United States. When the sponsor of an alien is:

(a) A public or private agency or organization, the sponsored alien shall be ineligible for assistance throughout the sponsorship period, unless the agency or organization is either no longer in existence or has become unable to meet the alien's needs; or

(b) A private individual, the department shall deem the resources of the sponsor (and the sponsor's spouse if living with the sponsor) to be the resources of the sponsored alien throughout the sponsorship period.

(4) The alien who is sponsored by an individual shall:

(a) Provide the department with any information and documentation necessary to determine the resources of the sponsor that can be deemed available to the alien; and

(b) Obtain any cooperation necessary from the sponsor.

(5) The department shall calculate the monthly resources deemed available to the sponsored alien, as follows:

(a) Use the total amount of the resources of the sponsor, determined as if the sponsor was applying for AFDC in the alien's state of residence; minus

(b) One thousand five hundred dollars.

(6) In any case where a person is the sponsor of two or more aliens who are subject to the provisions in this section, the deable resources of the sponsor shall be divided equally among the aliens.

(7) Resources which are deemed to a sponsored alien shall not be considered in determining the need of other unsponsored members of the alien's family except to the extent the resources are actually available.

(8) Any sponsor of an alien and the alien shall be jointly and individually liable for any overpayment of assistance made to the alien during the three years after the alien's entry for permanent residence into the United States due to the sponsor's failure to provide correct information, except where such sponsors were without fault or where good cause existed.

(a) When the department finds a sponsor has good cause or is without fault for not providing information to the agency, the sponsor shall not be held liable for the overpayment and recovery will not be made from the sponsor.

(b) Good cause and no fault shall be defined as any circumstance beyond the control of the sponsor.

WSR 95-19-007
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3895—Filed September 6, 1995, 4:53 p.m.]

Date of Adoption: September 6, 1995.

Purpose: New legislation requires the department to consider the parent's income if the child is in inpatient chemical dependency or mental health treatment for less than ninety days.

Citation of Existing Rules Affected by this Order: Amending WAC 388-506-0610 AFDC-related medical programs and 388-513-1315 Eligibility determination—Institutional.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: ESSB 5439 Section 48.

Adopted under notice filed as WSR 95-16-013 on July 21, 1995.

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 2, 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 2, repealed 0.

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

September 6, 1995

Kenneth R. Harden

Assistant Secretary

for Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3847, filed 4/26/95, effective 5/27/95)

WAC 388-506-0610 AFDC-related medical programs. (1) When determining eligibility for medical programs, the department shall consider:

(a) The family unit living in the same household as including all family members when determining program relationship;

(b) A relative financially responsible only as follows:

(i) The natural or adoptive parent or stepparent to a child eighteen years of age or younger living in the same household; and

(ii) Spouse to spouse living in the same household.

(c) As a separate medical assistance unit (MAU) the following family member living in the same household, when a family member is not eligible for a categorically needy medical care program:

- (i) A child with countable income;
 - (ii) A child with countable resources which render another family member ineligible for a Medicaid program;
 - (iii) A child in common of unmarried parents;
 - (iv) Each unmarried parent of a child in common with such parent's separate children, if any; or
 - (v) A nonresponsible caretaker relative.
- (d) Categorically related family members, other than those described under subsection (1)(c) of this section, in the same MAU; ~~(and)~~

(e) A pregnant minor as not living in the same household as her parent regardless of whether she lives with her parent. See subsections (4)(b) and (5)(b) of this section; and

(f) A child, seventeen years of age and younger, in inpatient chemical dependency treatment or inpatient mental health treatment as living in the parent's or legal guardian's household, unless:

(i) An assessment by the department or its designee indicates inpatient treatment is likely to last ninety consecutive days or more;

(ii) The child is in a court-ordered out-of-home care in accordance with chapter 13.34 RCW; or

(iii) The department determines the parents are not exercising responsibility for the care and control of the child.

(2) The department shall consider income and resources jointly for spouses and spouses' children living in the same household unless the exceptions in subsection (1)(c) of this section are met. See WAC 388-506-0620 for the financial responsibility requirements for SSI-related clients.

(3) When determining eligibility for medical care, the department shall consider the countable income or resources of a child available only to the child when an exception in subsection (1)(c) of this section is met.

(4) The department shall consider the income of a parent of a child eighteen years of age or younger:

(a) Living in the same household, available to the child whether or not actually contributed. The department shall:

(i) Allow a parent one hundred percent of the Federal Poverty Level (FPL) for the parent and other members of the parent's MAU; and

(ii) Allocate income in excess of one hundred percent of the FPL on a prorated basis to all children eighteen years of age or younger in separate MAUs for whom the parent is financially responsible.

(b) Not living in the same household, only to the extent the parent's income is actually contributed to the child.

(5) The department shall consider the resources of a parent of a child eighteen years of age or younger:

(a) Living in the same household, available to the child whether or not actually contributed. The department shall ensure a parent's countable resources are:

(i) Prorated; and

(ii) Allocated in equal shares to:

(A) The parent; and

(B) Each person for whom the parent is financially responsible.

(b) Not living in the same household, only to the extent the parent's resources are actually contributed to the child.

(6) When determining medical care eligibility, the department shall not consider available, unless actually contributed to the client, the income and resources of a:

- (a) Stepparent not legally liable for support of the stepchildren;
- (b) Legal guardian other than the parent of the client;
- (c) Caretaker other than the parent of the client;
- (d) Alien sponsor;
- (e) Sibling or child; or
- (f) Spouse not living in the same household as the client.

(7) The department shall determine each MAU's medical care eligibility using:

- (a) The MAU's countable income and resources;
- (b) Household size for the number of persons in the MAU; and

(c) The income and resource standards that apply to the household size equal to the number of persons in the MAU.

(8) The department shall exempt one vehicle as described under WAC 388-216-2650, for each separate MAU that owns such vehicle.

(9) When the household contains an SSI-related family member who is ineligible for AFDC-related categorically needy Medicaid because of income or resources, that member shall be removed from the MAU and placed in a separate categorical assistance unit (CAU). The department shall determine eligibility for:

(a) The remaining members of the MAU without consideration of the income or resources of the SSI-related client; and

(b) The SSI-related member using SSI-related income and resource rules.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-513-1315 Eligibility determination—Institutional. (1) The department shall find a person residing in or expected to reside in a Medicaid-approved medical facility for at least thirty consecutive days eligible for institutional care, if the person:

(a) Is Title XVI-related with gross income:

(i) Equal to or less than three hundred percent of SSI Federal Benefit Amount. The department shall determine a person's eligibility under the categorically needy program; and

(ii) Greater than three hundred percent of SSI federal benefit amount. The department shall determine a person's eligibility under the limited casualty program—medically needy program as determined under WAC 388-513-1395.

(b) Does not have nonexcluded resources, under WAC 388-513-1360 and 388-513-1365, greater than limitations under WAC 388-513-1310 and 388-513-1395(2).

(c) Is not subject to a period of ineligibility for transferring of resources under WAC 388-513-1365.

(2) The department shall determine institutional facility residents eligible for institutional care when the amount of the resources in excess of the amount in WAC 388-513-1310 plus countable income are less than the nursing facility private rate plus verifiable recurring medical expenses.

(3) The department shall allocate a client's income and resources as described under WAC 388-513-1380.

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Robert Turner

Director

Signature by permission of

Mitch Johnson, Chair

Fish and Wildlife Commission

(4) When both spouses are institutionalized, the department shall determine the eligibility of each spouse individually.

(5) The department shall determine eligibility for a person residing or expected to reside in a Medicaid-approved medical facility less than thirty consecutive days as for a noninstitutionalized person.

(6) ~~((Effective January 1, 1991,))~~ The department shall determine eligibility for an AFDC-related child under eighteen years of age residing in inpatient chemical dependency treatment or inpatient mental health treatment as described under WAC 388-506-0610 (1) (f).

(7) For an institutionalized person twenty years of age or under, the department shall not consider the income and resources of the parents available unless the income and resources are actually contributed.

~~((7))~~ (8) The department shall not consider a person's transfer between medical institutions as a change in institutionalized status.

~~((8))~~ (9) For the effect of a social absence from an institutional living arrangement, see WAC 388-88-115.

WSR 95-19-011
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Wildlife)

[Order 95-114—Filed September 7, 1995, 8:10 a.m.]

Date of Adoption: August 12, 1995.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 95-14-134 on July 5, 1995.

Changes Other than Editing from Proposed to Adopted Version: Only Crescent Lake (Pend Oreille County) closed. All other proposed closures were not adopted.

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.

AMENDATORY SECTION (Amending WSR 95-10-027, filed 4/26/95, effective 5/27/95)

WAC 232-28-619 Washington game fish seasons and daily limits—Regional regulation exceptions. Region I.

Description: That area of the state contained within the boundaries of Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman counties.

When fishing or hunting within the boundaries of the Colville Indian Reservation, contact the office of the Colville Confederated Tribes to find out what tribal permits and regulations apply.

When fishing near Snake River dams, be aware of restricted zones upstream and downstream of the dams.

Exceptions - Region I Regulations: State-wide regulations apply to all waters except where modified in special regulations below.

Alkali Flat Creek (Whitman County): Year around season.

Amber Lake: Last Saturday in April through September 30 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations, except electric motors allowed. Additional season October 1 through November 30, catch-and-release only, single barbless hooks, selective fishery regulations.

Alpowa Creek: Last Saturday in April through June 30 season.

Asotin Creek, from mouth upstream to SR129 Bridge: Year around season. Closed to fishing for steelhead.

From SR129 Bridge upstream to the forks: Trout - daily limit - eight. Closed to fishing for steelhead. Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Trout - daily limit - eight. Closed to fishing for steelhead. Selective fishery regulations.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

B.C. Mill Pond: Last Saturday in April through October 31 season.

Badger Lake: Last Saturday in April through September 30 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Trout - daily limit - two, minimum length fourteen inches. Fly fishing only. Use of motors prohibited.

Additional season. July 5 through October 31. Catch-and-release, fly fishing only. Use of motors prohibited. Inlet stream: Closed waters.

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Beaver Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Big Four Lake: March 1 through July 31 season. Trout - daily limit - two. Fly fishing only. Fishing from any floating device prohibited.

Big Meadow Lake: Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Blue Creek (Walla Walla County): Last Saturday in April through June 30 season.

Blue Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Browns Lake and inlet streams (Pend Oreille County): Fly fishing only. Last Saturday in April through October 31 season. Use of motors prohibited.

Burbank Slough: Fishing from any floating device prohibited.

Caldwell Lake: Last Saturday in April through October 31 season. Trout - daily limit - two minimum length twelve inches. Internal combustion engines prohibited.

Calispell River, from mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective fishery regulations.

Carl's Lake: Last Saturday in April through October 31 season.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Chapman Lake: Last Saturday in April through October 31 season. Trout - daily limit - ten, at least five of which must be kokanee. Feeding (chumming) permitted.

Chewelah Creek, forks and tributaries: Selective fishery regulations.

Colville River, from mouth to bridge at Town of Valley: Year around season.

From Valley upstream and tributaries: Selective fishery regulations.

Conger Pond: Last Saturday in April through October 31 season.

Coppei Creek: Last Saturday in April through June 30 season.

Cottonwood Creek (Asotin County): Closed to fishing for steelhead.

Cottonwood Creek (Lincoln County), outside city limits of Davenport: Last Saturday in April through September 30 season.

Crab Creek (Lincoln County) and tributaries: Year around season.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season except closed October 1 through October 31, 1995.

Curl Lake: June 1 through October 31 season. Fishing from any floating device prohibited.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only (under fifteen years old).

Deadman Creek (Garfield County): Year around season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deer Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout, no more than two over twenty inches in length.

Diamond Lake: Last Saturday in April through October 31 season.

Downs Lake: Last Saturday in April through September 30 season.

Dry Creek (Walla Walla County): Last Saturday in April through June 30 season.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Fan Lake: Last Saturday in April through September 30 season. Internal combustion engines prohibited.

Fishhook Pond (Walla Walla County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Internal combustion engines prohibited.

Fishtrap Lake: Last Saturday in April through September 30 season.

Fourth of July Lake: December 1 through March 31 season. Trout, no more than two over fourteen inches in length. Internal combustion engines prohibited.

Frater Lake: Last Saturday in April through October 31 season.

Garfield Juvenile Pond (Whitman County): Juveniles only (under fifteen years old).

Gillette Lake: Last Saturday in April through October 31 season.

Goose Creek (Lincoln County), within the city limits of Wilbur: Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses only.

Grande Ronde River, from mouth to County Road Bridge about two and one-half miles upstream: Year around season. Trout, minimum length twelve inches, maximum length twenty inches. Retaining steelhead is prohibited. Selective fishery regulations September 1 through May 31.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through April 15 season. Trout, minimum length twelve inches; selective fishery regulations June 1 through August 31. Wild steelhead release September 1 through April 15.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Harvey Creek (tributary to Sullivan Lake), from mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 on county road upstream: Selective fishery regulations.

Hatch Lake (Stevens County): December 1 through March 31 season.

Headgate Pond: Last Saturday in April through October 31 season. Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses.

Heritage Lake: Last Saturday in April through October 31 season.

Hog Canyon Lake: December 1 through March 31 season. Trout, no more than two over fourteen inches in length.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout - daily limit - ten, at least five of which must be kokanee. Feeding (chumming) permitted.

Huff Lake (Pend Oreille County): Closed waters.

Jefferson Park Pond (Walla Walla County): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Jump-Off Joe Lake: Last Saturday in April through October 31 season.

Kalispell Creek and tributaries: Last Saturday in April through October 31 season. Selective fishery regulations.

Kettle River, from the Burlington-Northern Railroad bridge at Twin Bridges upstream to Napoleon Bridge: June 1 through March 31 season. Walleye - daily limit - eight, no more than one over twenty inches in length. Only walleye less than sixteen inches or over twenty inches in length may be kept. Trout, minimum length twelve inches.

From Napoleon Bridge upstream: Trout, minimum length twelve inches; selective fishery regulations. Only single pointed hooks may be used. Additional season: November 1 through May 31, catch-and-release only, selective fishery regulations. Exception: Bait and single

pointed barbed hook may be used for whitefish only November 1 through March 31.

Kings Lake and tributaries: Closed waters.

Latah (Hangman) Creek: Year around season.

Ledbetter Lake: Last Saturday in April through October 31 season.

Ledking Lake: Last Saturday in April through October 31 season.

Leo Lake: Last Saturday in April through October 31 season.

Liberty Lake: Last Saturday in April through September 30 season.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Spokane River, from mouth to SR 291 Bridge: Year around season.

From SR 291 Bridge upstream to the West Branch: April 30 through October 31 season. Additional December 1 through March 31 season for whitefish only.

Little Twin Lake (Stevens County): Last Saturday in April through October 31 season.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Use of motors prohibited.

Long Lake (Spokane River Reservoir): Bass - catch-and-release only, May 1 through June 30. See also Spokane River.

Loon Lake: Last Saturday in April through October 31 season. Trout - daily limit - ten, of which at least five must be kokanee, no more than two over twenty inches in length.

Lyons Park Pond (College Place): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Marshal Lake: Last Saturday in April through October 31 season.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Catch-and-release, fly fishing only. Use of motors prohibited.

Medical Lake: Last Saturday in April through September 30 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Medical Lake, West: Last Saturday in April through September 30 season.

Mill Creek (Walla Walla County), from mouth to 9th St. Bridge: June 1 through April 15 season. Open only to fishing for steelhead from September 1 through April 15. Wild steelhead release.

From 9th St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge to Oregon state line: Trout - daily limit - five.

Mill Creek Reservoir: Internal combustion engines prohibited.

Mill Pond: Last Saturday in April through October 31 season.

Mudget Lake: Last Saturday in April through October 31 season.

Muskegon Lake: Last Saturday in April through October 31 season.

Mystic Lake: Last Saturday in April through October 31 season.

Negro Creek (Lincoln County): June 16 through March 31 season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Newman Lake: Tiger musky - daily limit - one, minimum length thirty-six inches.

Nile Lake: Last Saturday in April through October 31 season.

No Name Lake: Last Saturday in April through October 31 season.

Palouse River (Whitman County) and tributaries: Year around season.

Pampa Pond (Whitman County): Last Saturday in April through September 30 season. Fishing from any floating device prohibited.

Parker Lake: Last Saturday in April through October 31 season.

Pataha Creek, mouth to Pomeroy city limits: Year around season.

Within the city limits of Pomeroy: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Remainder of creek Selective fishery regulations.

Pend Oreille River: Year around season.

Petit Lake: Last Saturday in April through October 31 season. Internal combustion engines prohibited.

Phalon Lake: Closed waters.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Potter's Pond: Last Saturday in April through October 31 season.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Rainbow Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Renner Lake: Last Saturday in April through October 31 season.

Rigley Lake: Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. From June 1 through October 31 catch-and-release only, selective fishery regulations.

Roosevelt Lake (Columbia River): All species - Closed February 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek. Trout - no more than two over twenty inches in length. Walleye - daily limit eight, not more than one over twenty inches in length; only walleye less than sixteen inches or over twenty inches in length may be kept; closed April 1 through May 31 in Spokane arm upstream from SR25 Bridge and in Kettle arm upstream from Burlington-Northern Railroad bridge at Twin Bridges.

Roosevelt Lake (Columbia River) tributaries: With the exception of those tributaries listed under Regional Regulations; all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport: Trout - catch limit - 5, no minimum size.

Sacheen Lake: Last Saturday in April through October 31 season.

Sherman Creek (Ferry County), from the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters. Exception: From the mouth upstream to the hatchery boat dock December 1 through August 31 season.

Sherry Lake: Last Saturday in April through October 31 season.

Skookum Lake, North: Last Saturday in April through October 31 season.

Skookum Lake, South: Last Saturday in April through October 31 season.

Snake River: Year around season. Closed to the taking of all trout April 1 through May 31. Trout - daily limit - six minimum length ten inches, no more than two over twenty inches. Retaining steelhead is prohibited from June 1 through August 31. Wild steelhead release from September 1 through March 31. Barbless hooks required when fishing for steelhead on that portion of the Snake River which forms the boundary between Washington and Idaho.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Note: On the mainstem Snake River between Washington and Idaho the license of either state is valid. The angler must be in compliance with the laws of the state issuing the license. This provision does not allow an angler licensed in Idaho to fish on the Washington shore, or in the sloughs or tributaries of Washington. An angler fishing the Snake River is restricted to one daily limit even if licensed by both states.

Spokane River, from the mouth at Lake Roosevelt upstream to the Seven Mile Bridge, including Long Lake, formed by Long Lake Dam (see also Long Lake): Year around season. Trout - daily limit - five, no more than two over twenty inches in length. Walleye - daily limit - eight,

no more than one over twenty inches in length. Only walleye less than sixteen inches or over twenty inches in length may be kept; closed April 1 through May 31.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year around season. Trout - daily limit - one. Wild trout release (only rainbow trout with missing adipose fins may be possessed. There must be a healed scar in the location of the missing fin.) Selective fishery regulations.

From Monroe Street Dam upstream to Upriver Dam: Year around season.

From Upriver Dam upstream to the Idaho/Washington state line: Trout - daily limit - one, minimum length 12 inches; selective fishery regulations, except motors allowed.

Sprague Lake: Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept. Closed waters: March 1 through June 30 in that part of the lake and Cow Creek from Harper Island and posted markers on the lake shore southwest to Danekas Road. Note: The inlet stream, Negro Creek, is closed April 1 through June 15.

Spring Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Starvation Lake: Last Saturday in April through May 31 season. Additional season June 1 through October 31, catch-and-release only, selective fishery regulations.

Sullivan Creek, from Mill Pond upstream: Selective fishery regulations.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Thomas Lake: Last Saturday in April through October 31 season.

Touchet River, from mouth to Highway 12 Bridge at Waitsburg: June 1 through April 15 season. Open only to fishing for steelhead from September 1 through April 15. Wild steelhead release.

From Highway 12 Bridge at Waitsburg to Wolf Fork Bridge: June 1 through April 15 season. Wild steelhead release. Open only to fishing for steelhead and brown trout over twenty inches in length September 1 through April 15.

From Wolf Fork Bridge upstream and all tributaries: Trout, minimum length twelve inches selective fishery regulations.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Tucannon River, note: All tributaries closed. Wild steelhead release.

From the Highway 261 Bridge upstream to Highway 12 Bridge: June 1 through August 31 season. Open only to fishing for steelhead and whitefish September 1 through April 15.

From the Highway 12 Bridge upstream to the Cummings Creek Bridge: June 1 through October 31, trout,

daily limit - five. Open only to fishing for steelhead and whitefish November 1 through April 15.

From the Cummings Creek Bridge upstream to a point four hundred feet upstream of the hatchery intake dam: Closed waters.

From a point four hundred feet upstream of the hatchery intake dam to the Panjab Creek Bridge: Trout - daily limit - five, selective fishery regulations. Only two Dolly Varden/Bull Trout over twenty inches in length may be retained as part of the trout daily limit.

From the Panjab Creek Bridge upstream: Closed waters.

Vanes Lake: Last Saturday in April through October 31 season.

Waitts Lake: Last Saturday in April through February 28 season.

Walla Walla River, wild steelhead release.

From mouth to the Touchet River: Year around season. Closed to fishing for all trout April 1 through May 31 wild steelhead release.

From the Touchet River upstream to state line: June 1 through April 15 season. Open only to fishing for steelhead November 1 through April 15.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Watson Lake: March 1 through July 31 season. Fishing from any floating device prohibited.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Yokum Lake: Last Saturday in April through October 31 season.

Region II.

Description: That area of the state contained within the boundaries of Adams, Douglas, Franklin, Grant, and Okanogan counties.

When fishing or hunting within the boundaries of the Colville Indian Reservation, contact the office of the Colville Confederated Tribes to find out what tribal permits and regulations apply.

Lawful to fish to base of all dams in Region II, except Zosel Dam (Okanogan River).

Exceptions - Region II Regulations. State-wide regulations apply to all waters except where modified in special regulations below.

Note: All seasons apply to inlet and outlet streams of named lakes in Grant and Adams counties.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Use of motors prohibited.

Alkali Lake (Grant County): Closed to the taking of walleye.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one; selective fishery regulations except electric motors permitted.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (Sinlahekin, Washington - Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one; selective fishery regulations, except electric motors allowed.

Blue Lake (near Wannacut Lake - Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one; selective fishery regulations, except electric motors allowed.

Bobcat Creek Ponds (Grant County): March 1 through July 31 season.

Bonaparte Lake (Okanogan County): Trout, no more than one over twenty inches in length.

Burke Lake (Grant County): March 1 through July 31 season.

Caliche Lake (lower) (Grant County): March 1 through July 31 season.

Caliche Lake (upper) (Grant County): March 1 through July 31 season.

Campbell Lake (Okanogan County): September 1 through March 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cattail Lake (Grant County): March 1 through July 31 season.

Chewuch River (Chewack River) (Okanogan County), from mouth to Lake Creek: Trout, minimum length twelve inches. Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one. Fly fishing only. Use of motors prohibited.

Cliff Lake (Grant County): March 1 through July 31 season.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Coot Lake (Grant County): March 1 through July 31 season.

Cougar Lake (near Winthrop - Okanogan County): September 1 through March 31 season.

Cow Lake (Adams County): Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Coyote Creek Ponds (Adams County): March 1 through July 31 season.

Crab Creek, from Morgan Lake Road to Goose Lake Road (excluding Marsh Unit II impoundments): March 1 through July 31 season. Trout - daily limit - five. Fishing from any floating device prohibited.

From Goose Lake Road to O'Sullivan Dam (excluding Marsh Unit I off-stream impoundments): June 15 through September 30 season. Trout - daily limit - five. Fishing from any floating device prohibited.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Davis Lake (Okanogan County): September 1 through March 31 season.

Deadman Lake (Adams County): March 1 through July 31 season.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Dollar Lake (Grant County): March 1 through July 31 season.

Dot Lake (Grant County): March 1 through July 31 season.

Dry Falls Lake: Last Saturday in April through October 31 season. Trout - daily limit - one. Selective fishery regulations.

Dusty Lake (Grant County): March 1 through July 31 season.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one. Selective fishery regulations.

Finnel Lake (Adams County): Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Fish Lake (Okanogan County): Last Saturday in April through September 30 season.

Fourth of July Lake (Adams County): December 1 through March 31 season. Trout, no more than two over fourteen inches in length. Internal combustion engines prohibited.

Gadwall Lake (Grant County): March 1 through July 31 season.

George Lake (Grant County): March 1 through July 31 season.

Gold Creek (Okanogan County), from mouth to Foggy Dew Creek: Selective fishery regulations.

Green Lake (Okanogan County): December 1 through March 31 season.

Green Lake, lower (Okanogan County): December 1 through March 31 season. Trout - daily limit - five.

Grimes Lake: June 1 through August 31 season. Trout - daily limit - one. Selective fishery regulations, except electric motors allowed.

Hallin Lake (Adams County): Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Hampton Lake, lower (Grant County): March 1 through July 31 season. Internal combustion engines prohibited.

Hampton Lake, upper (Grant County): March 1 through July 31 season. Internal combustion engines prohibited.

Hays Creek and Ponds (Adams County): March 1 through July 31 season.

Hourglass Lake (Grant County): March 1 through July 31 season.

Hutchinson Lake (Adams County): March 1 through July 31 season. Internal combustion engines prohibited.

Indian Dan Pond: July 1 through October 31 season.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek: Juveniles only (under fifteen years old).

Lake Creek, upstream from Pasayten Wilderness boundary: June 1 through August 31 season. Selective fishery regulations.

Leader Lake (Okanogan County): Last Saturday in April through October 31 season.

Lemna Lake (Grant County): March 1 through July 31 season.

Lenice Lake: Last Saturday in April through October 31 season. Trout - daily limit - one. Selective fishery regulations.

Lenore Lake (Grant County): Closed: December 1 through February 28. March 1 through May 31 season. Catch-and-release only, selective fishery regulations, except electric motors allowed. June 1 through November 30 season. Trout - daily limit - one. Selective fishery regulations, except electric motors allowed. Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17.

Little Twin Lake: December 1 through March 31 season.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Lost River (Okanogan County): From one-quarter mile above bridge to mouth of Monument Creek: Trout, minimum length twelve inches. Selective fishery regulations.

From mouth of Drake Creek to outlet of Cougar Lake: Trout and Dolly Varden/Bull Trout - daily limit - two,

minimum length fourteen inches. Selective fishery regulations.

Marie Lake (Hampton Sloughs) (Grant County): March 1 through July 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Merry Lake: Last Saturday in April through October 31 season. Trout - daily limit - one. Selective fishery regulations.

Methow River, from mouth upstream to second powerline crossing (approximately one mile): June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release.

From second powerline crossing above railroad bridge (approximately one mile) upstream to mouth of Lost River: June 1 through March 31 season. Wild steelhead release. Trout, minimum length twelve inches; selective fishery regulations June 1 through September 30.

Migraine Lake (Grant County): March 1 through July 31 season.

Mirror Lake: Last Saturday in April through September 30 season.

Moran Slough (including inlet and outlet streams): Closed water.

Moses Lake: Crappie - daily limit - five. Only crappie more than ten inches in length may be kept. Bluegill - daily limit - five. Only bluegill more than eight inches in length may be kept.

North Potholes Reserve Ponds (Grant County): February 1 through October 10 season. Fishing from any floating device prohibited, except float tubes permitted.

Nunnally Lake: Last Saturday in April through October 31 season. Trout - daily limit - one. Selective fishery regulations. Closed waters: Outlet stream of Nunnally Lake.

Okanogan River (Okanogan County): Year around season. Wild steelhead release. Trout, minimum length twelve inches. Closed waters: From Zosel Dam downstream one-quarter mile below the railroad trestle.

Palmer Lake (Okanogan County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept. Set lines may be used for burbot. An angler may use no more than one set line having attached thereto any number of hooks. Set lines must be clearly identified with the angler's name and address.

Para-Juvenile Lake: March 1 through July 31 season. Juveniles only (under fifteen years old).

Park Lake: Last Saturday in April through September 30 season.

Patterson Lake: Last Saturday in April through October 31 season.

Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Perch Lake: Last Saturday in April through September 30 season.

Pillar Lake (Grant County): March 1 through July 31 season.

Poacher Lake (Grant County): March 1 through July 31 season.

Potholes Reservoir: Crappie and bluegill - daily limit - twenty-five (species combined).

Quail Lake: Catch-and-release, fly fishing only. Use of motors prohibited.

Quincy Lake (Grant County): March 1 through July 31 season.

Rat Lake (Okanogan County): December 1 through March 31 season.

Ringold Springs Creek (Hatchery Creek): Closed waters.

Rocky Ford Creek and Ponds (Grant County): Trout - daily limit - one. Fly fishing only. Fishing from bank only (no wading).

Roosevelt Lake (Columbia River) (Grant County): See Region I.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Royal Lake (Adams County): Last Saturday in April through September 30 season. Internal combustion engines prohibited.

Royal Slough (including Marsh Unit IV impoundments): Closed waters.

Rufus Woods Lake (Douglas County): Trout (including kokanee) - daily limit - two.

Saddle Mountain Lake: Closed waters.

Sago Lake (Grant County): March 1 through July 31 season.

Salmon Creek, North Fork: Selective fishery regulations.

Salmon Creek, West Fork, from mouth to South Fork: Selective fishery regulations.

Scabrock Lake (Grant County): March 1 through July 31 season.

Shiner Lake (Adams County): March 1 through July 31 season. Internal combustion engines prohibited.

Shoveler Lake: March 1 through July 31 season.

Similkameen River (Okanogan County) from mouth to Enloe Dam: June 1 through March 31 season. Wild steelhead release. Trout, minimum length twelve inches. Selective fishery regulations June 1 through October 31.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season for whitefish only.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season.

Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

Snipe Lake (Grant County): March 1 through July 31 season.

Spectacle Lake (Okanogan County): March 1 through July 31 season. Possession of fish other than trout is prohibited.

Sprague Lake: Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept. Closed waters: March 1 through June 30 in that part of the lake and Cow Creek from Harper Island and posted markers on lake shore southwest to Danekas Road. Note: The inlet stream, Negro Creek, is closed April 1 through June 15.

Spring Lakes (near Quincy - Grant County): March 1 through July 31 season.

Twisp River (Okanogan County), from mouth to War Creek: Trout, minimum length twelve inches. Selective fishery regulations.

Vic Meyers (Rainbow) Lake: Last Saturday in April through September 30 season.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Warden Lake (Grant County): March 1 through July 31 season.

Warden Lake, South (Grant County): March 1 through July 31 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Bass - only bass less than 12 inches or over fifteen inches in length may be kept. Internal combustion engines prohibited.

Whitestone Lake (Okanogan County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Widgeon Lake (Grant County): March 1 through July 31 season.

Region III.

Description: That area of the state contained within the boundaries of Benton, Chelan, Kittitas, and Yakima counties.

When fishing or hunting within the boundaries of the Yakama Indian Reservation contact the Office of the Confederated Tribes and Bands of the Yakama Indian Nation. Phone to find out what tribal permits and regulations apply. Waters open under tribal regulations are also open under state regulations.

In Benton County: Rivers, Streams and Beaver Ponds: Year around.

Exceptions - Region III Regulations. State-wide regulations apply to all waters except where modified in special regulations below.

American River, from mouth to Rainier Fork: Selective fishery regulations.

Bachelor Creek: Year around season. Trout - daily limit - five, no minimum length.

Bear Creek (tributary to South Fork Tieton River): Closed season, August 16 through May 31.

Beehive (Lake) Reservoir: Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Black Lake (Lower Wheeler Reservoir): Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Box Canyon Creek, from mouth to bridge on USFS Road No. 4930 (approximately four miles): Closed waters.

Buckskin Creek and Tributaries (Yakima County), from the west boundary of Suntides Golf Course to its mouth: Closed waters.

Bumping Lake (Reservoir): Kokanee daily limit - sixteen. Feeding (chumming) permitted.

Bumping River, from mouth to American River: Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

From mouth of American River to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Additional December 1 through March 31 season for whitefish only.

Cashmere Pond: Juveniles only (under fifteen years old).

Chelan Hatchery Creek: Year around season. Juveniles only (under fifteen years old).

Chelan Lake: Trout - daily limit - two, minimum length fifteen inches and kokanee - daily limit - five, no minimum length. Except closed season April 1 through June 30, north (uplake) of a line between Purple Point (at Stehekin) and Painted Rocks, and within four hundred feet of the mouths of all other tributaries uplake from Fields Point. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address. Except east (downlake) of Fields Point from May 15 through September 30: Trout, minimum length eight inches, not more than two over fifteen inches and kokanee - daily limit - five, no minimum length.

Chelan Lake Tributaries from mouths upstream one mile except Stehekin River: July 1 through October 31 season. Selective fishery regulations.

Chelan River: Year around season. Trout, minimum length twelve inches.

Chiwaukum Creek, from mouth to South Fork: Selective fishery regulations.

Chiwawa River, from mouth to Rock Creek: Selective fishery regulations.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Cle Elum Lake (Reservoir): Trout - daily limit - two, minimum length twelve inches. Kokanee daily limit - sixteen. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Cle Elum River, from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Additional December 1 through March 31 season for whitefish only.

Columbia Park Pond: Juveniles only (under fifteen years old).

Deep Creek (tributary to Bumping Lake): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Eightmile Lake: Trout - daily limit - five, not more than two mackinaw.

North Elton Ponds: December 1 through March 31 season. Trout - daily limit - two. Internal combustion engines prohibited.

Enchantment Park Ponds: Juveniles only (under fifteen years old).

Entiat River, from mouth to Fox Creek: June 1 through March 31 season. Trout, minimum length twelve inches; selective fishery regulations June 1 through November 30. Wild steelhead release.

Fiorito Lakes: Internal combustion engines prohibited.

Fish Lake (Chelan County): Trout, no more than two over fifteen inches in length.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake): Closed waters.

I-82 Ponds (1-7): Internal combustion engines prohibited. In addition, I-82 Ponds (1-2) closed to the taking of walleye.

Icicle Creek (River), from mouth to four hundred feet below Leavenworth National Fish Hatchery rack: June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release.

From Rock Island Bridge upstream to Leland Creek: Selective fishery regulations.

Indian Creek (Yakima County): Closed waters.

Kachess Lake (Reservoir): Trout - daily limit - two, minimum length twelve inches. Kokanee daily limit - sixteen. Feeding (chumming) permitted. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Kachess River: Lawful to fish to base of Kachess Dam. From Kachess Lake (Reservoir) upstream to Mineral Creek: Closed waters.

Keechelus Lake (Reservoir): Trout - daily limit - two, minimum length twelve inches. Kokanee daily limit - sixteen. Feeding (chumming) permitted. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Leech Lake (White Pass area): Trout, no more than two over twelve inches in length, fly fishing only. Use of motors prohibited.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Little Naches River, Pileup Creek to Road 1913 Bridge: Selective fishery regulations.

Little Wenatchee River, from Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Selective fishery regulations.

Mad River, from mouth upstream to Jimmy Creek: Closed waters.

McCabe Pond: Five fish daily limit for all species combined. Fishing from any floating device prohibited.

Mercer Creek, that portion within Ellensburg city limits: Juveniles only (under fifteen years old). Trout - daily limit - five, no minimum length.

Merritt Lake: Trout - daily limit - sixteen.

Mineral Creek (tributary to upper Kachess River) from mouth to Wilderness Boundary: Closed waters.

Mud Lake: Trout - daily limit - two. Selective fishery regulations.

Myron Lake: Trout - daily limit - two. Selective fishery regulations.

Naches River, from the mouth to Rattlesnake Creek: Trout, minimum length twelve inches, maximum length twenty inches. Closed to fishing for steelhead. Additional December 1 through March 31 season for whitefish only.

From Rattlesnake Creek to Little Naches River: Trout, maximum length twenty inches. Closed to fishing for steelhead. Additional December 1 through March 31 season for whitefish only.

Naneum Pond: Juveniles only (under fifteen years old).

Nason Creek, from the Kahler Creek Bridge (near Coles Corner) upstream to Stevens Creek: Selective fishery regulations.

Nason Creek Fish Pond: Juveniles (under fifteen years old) and handicapped persons only.

Oak Creek: Trout - daily limit - five, no minimum length.

Panther Creek (Chelan County): Closed waters.

Rattlesnake Creek: Catch-and-release only, selective fishery regulations.

Rimrock Lake (Reservoir): Kokanee - daily limit - sixteen. Feeding (chumming) permitted.

Roses Lake: December 1 through March 31 season.

Schaefer Lake: Trout - daily limit - sixteen.

Spectacle Lake (Kittitas County): Trout - daily limit - sixteen.

Stehekin River, from the mouth to Agnes Creek: July 1 through October 31 season. Trout, minimum length fifteen inches; selective fishery regulations. Additional March 1 through June 30 season: Catch-and-release only, selective fishery regulations.

Swauk Creek, from mouth to Iron Creek: Selective fishery regulations.

Taneum Creek: Selective fishery regulations.

Tieton River: Trout - daily limit - five, no minimum length. Lawful to fish to base of Tieton (Rimrock) Dam. Additional December 1 through March 31 season for whitefish only.

Tieton River, North Fork, from Rimrock Lake to within four hundred feet of Clear Lake Dam: June 1 through August 15 season. Fishing is prohibited in the spillway channel and within four hundred feet of Clear Lake Dam.

Tieton River, South Fork: From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Trapper Lake: Trout - daily limit - two.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Wapato Lake: Last Saturday in April through October 31 season. From August 1 through October 31 Trout - catch-and-release, selective fishery regulations. Internal combustion engines allowed.

Wenas Lake: Trout - daily limit - five, of which not more than two may be brown trout.

Wenatchee Lake: Trout - daily limit - two, minimum length twelve inches. Kokanee daily limit - sixteen. Feeding (chumming) permitted. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River, from mouth to Icicle River Road Bridge at Leavenworth: June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release. Selective fishery regulations June 1 through November 30.

From Icicle River Road Bridge at Leavenworth to Lake Wenatchee: June 1 through November 30 season. Selective fishery regulations. Trout, minimum length twelve inches, maximum length twenty inches. Retaining steelhead is prohibited.

White River, from mouth of Napeequa River upstream to White River Falls: Selective fishery regulations.

Wide Hollow Creek: Trout - daily limit - five, no minimum length.

Wilson Creek (two branches within Ellensburg city limits): Juveniles only (under fifteen years old). Trout - daily limit - five, no minimum length.

Yakima River, from mouth to four hundred feet below Roza Dam: Year around season. Closed: April 1 through May 31 for trout. Trout, minimum length twelve inches; maximum length twenty inches. Closed to fishing for steelhead in the Yakima River including tributaries and drains.

From Roza Dam to four hundred feet below Easton Dam: Year around season. Trout: Catch-and-release,

selective fishery regulations. Exception: Bait and single-pointed, barbed hooks may be used for whitefish only December 1 through February 28. Anglers may fish from boats equipped with motors from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile).

From Lake Easton to Keechelus Dam: Selective fishery regulations.

Yakima Sportsmen's Park Ponds: Juveniles only (under fifteen years old).

Region IV.

Description: That area of the state contained within the boundaries of Island, King, San Juan, Skagit, Snohomish, and Whatcom counties, and that portion of Pierce County east of a line from the mouth of the Nisqually River through Drayton Passage, Pitt Passage, Carr Inlet, and the Tacoma Narrows.

Exceptions Region IV. Regulations. State-wide regulations apply to all waters except where modified in special regulations below.

American Lake: Feeding (chumming) permitted.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Baker Lake: Last Saturday in April through October 31 season. Feeding (chumming) permitted. Trout - minimum length six inches and maximum length eighteen inches. An area two hundred feet in radius around the pump discharge, at the south end of the lake is closed.

Ballinger Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Barnaby Slough: Closed waters.

Bearpaw Lake (Whatcom County): Last Saturday in April through October 31 season. Trout - daily and possession limit - one, minimum length eighteen inches. Selective fishery regulations.

Beaver Lake (King County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Big Bear Creek (tributary of Sammamish River): Closed waters.

Big Beaver Creek, from closed water markers on Ross Lake upstream one-quarter mile: Closed waters. Upstream from one-quarter mile markers, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season; catch-and-release only, selective fishery regulations.

Big Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boxley Creek (North Bend), from its mouth to the falls located at approximately rivermile 0.9: Closed waters.

Boyle Lake (the inlet and outlet are closed waters): Last Saturday in April through October 31 season. Trout -

daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Bridges Lake (the inlet and outlet are closed waters): Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Cain Lake: Last Saturday in April through October 31 season.

Calligan Lake: June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Canyon Creek, (S.F. Stillaguamish River) mouth to forks: June 1 through February 28 season. Trout, minimum length fourteen inches.

Carbon River, from its mouth to the Highway 162 Bridge: June 1 through January 31 season. Trout, minimum length fourteen inches. Additional February 1 through March 31 season: Trout, minimum length fourteen inches. Wild steelhead release.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

Note: The area from the Rockport-Cascade Road Bridge to the mouth is closed June 1 through September 30.

1995 Conservation Measures.

Mouth to headwaters: Closed to fishing for steelhead September 1, 1995, through October 31, 1995.

Cassidy Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Cavanaugh Lake: Feeding (chumming) permitted.

Cedar River: Closed waters.

Chambers Bay and that portion of Marine Area 13 inside a line from Gordan Point to the dock at Pioneer gravel pit (second gravel pit approximately 1.2 miles north of Chambers Bay): June 1 through October 31 season.

Chambers Lake (within Ft. Lewis Military Reservation): Trout - catch-and-release only. Selective fishery regulations, except electric motors allowed. Contact Ft. Lewis for a land use permit.

Chaplain Lake: Closed waters.

Clear Lake (Pierce County): Feeding (chumming) permitted.

Clough Creek (North Bend): Closed waters.

Clover Creek, within the boundaries of McChord Air Force Base: Trout - daily limit - one, minimum length twelve inches. Selective fishery regulations.

Coal Creek (tributary of Lake Washington): Closed waters.

Coal Creek, (near Snoqualmie) from Highway 10 downstream: Last Saturday in April through October 31 season. Trout - no minimum length. Juveniles only (under fifteen years old).

Cottage Lake (King County): Last Saturday in April through October 31 season.

County Line Ponds: Closed Waters.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

De Coursey Pond: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish): Closed waters.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Desire, Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Eagle Lakes (Big and Little): Closed waters.

Ebey Lake: Fly fishing only. Trout - daily limit - one, minimum length eighteen inches. Use of motors prohibited.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Fazon Lake: Channel catfish - daily and possession limit - two. Bass - only bass less than twelve inches or over fifteen inches in length may be kept. Fishing from any floating device prohibited from first Friday in October through January 15.

Findley Lake: Closed waters.

Fisher Slough: From mouth to Highway 530 Bridge: Year around season. Trout, minimum length fourteen inches entire season. Upstream from Highway 530 Bridge: June 1 through October 31 season. Trout, minimum length fourteen inches.

Fishtrap Creek: From Koh Road to Bender Road: June 1 through October 31 season for juveniles only (under 15 years old).

Flowing Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Fortson Mill Pond #2: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Geneva Lake (King County): Last Saturday in April through October 31 season.

Gissberg Ponds: Closed to fishing for channel catfish.

Goodwin Lake: Feeding (chumming) permitted. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Granite Lakes (Skagit County - near Marblemount): Grayling - catch-and-release only.

Green (Duwamish) River:

From the First Avenue Bridge to Tacoma Headworks Dam: June 1 through February 28 season. Trout, minimum length fourteen inches. Exempt from wild steelhead release July 1 through November 30. Fishing from any floating device prohibited November 1 through February 28. Note: Area from the Auburn-Black Diamond Bridge downstream to the 8th St. N.E. Bridge in Auburn is closed September 1 through October 15 and area from the Auburn-Black Diamond Bridge downstream to the Highway 18 Bridge is closed September 1 through October 31.

From the SR 167 Freeway Bridge to the Tacoma Headworks Dam: Additional March 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from any floating device prohibited.

Greenwater River, from mouth to Greenwater Lakes: Trout, minimum length twelve inches. Selective fishery regulations.

Hancock Lake: June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond: Closed waters.

Hart Lake (Pierce County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Heart Lake (Skagit County, near Anacortes): Last Saturday in April through October 31 season.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Issaquah Creek: Closed waters.

Jennings Park Pond: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only (under fifteen years old).

Kapowsin Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Kathleen Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Kelsey Creek (tributary of Lake Washington): Closed waters.

Ki Lake (Snohomish County): Last Saturday in April through October 31. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Kimball Creek (near Snoqualmie): Last Saturday in April through October 31 season. Trout - no minimum length. Juveniles only (under fifteen years old).

Kings Lake Bog (King County): Closed waters.

Klaus Lake (the inlet and outlet to first Weyerhaeuser spur are closed waters): Last Saturday in April through

October 31 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Little Bear Creek (tributary of Sammamish River): Closed waters.

Loma Lake (Snohomish County): Last Saturday in April through October 31 season.

Lucas Slough: Closed waters.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

May Creek (tributary of Lake Washington): Closed waters.

McMurray Lake (Skagit County): Last Saturday in April through October 31.

Mercer Slough (tributary of Lake Washington): Closed waters.

Mill Pond (Auburn): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Muck Creek and tributaries (within Ft. Lewis Military Reservation): Trout - catch-and-release only. Selective fishery regulations. Contact Ft. Lewis for a land use permit.

New Mire Creek (tributary of Lake Sawyer): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Newhalem Ponds: Closed waters.

Nooksack River from mouth to forks, Middle Fork to Dam. North Fork to Nooksack Falls: June 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited on the North and Middle Forks November 1 through March 15.

1995 Conservation Measures.

Mouth to Forks, Middle Fork to Dam, North Fork to Nooksack Falls: Closed to fishing for steelhead June 1, 1995, through August 31, 1995.

South Fork, from its mouth to source: Trout, minimum length fourteen inches. Wild steelhead release, and selective fishery regulations.

South Fork, from its mouth to Skookum Creek: Additional November 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited.

1995 Conservation Measures.

South Fork, from its mouth to Skookum Creek: Closed to fishing for all game fish June 1, 1995, through September 30, 1995.

North Creek (tributary of Sammamish River): Closed waters.

North Lake (King County): Last Saturday in April through October 31 season.

Northern State Hospital Pond: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Ohop Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Old Fishing Hole Pond (Kent): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Padden Lake: Last Saturday in April through October 31 season. Internal combustion engines prohibited.

Pass Lake: Trout - daily limit - one, minimum length eighteen inches. Fly fishing only. Use of motors prohibited.

Phantom Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Philippa Creek (tributary to N.F. Snoqualmie River): Closed waters.

Pilchuck Creek, mouth to Highway 9 Bridge: June 1 through November 30 season. Trout, minimum length fourteen inches. Selective fishing regulations. Additional December 1 through February 28 season. Trout, minimum length fourteen inches.

Pilchuck River, its entire length: Closed March 1 through November 30.

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through February 28 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pipers Creek (Carkeek Creek), from its mouth to its source, including tributaries: Closed waters.

Pratt River (tributary to Middle Fork Snoqualmie): Catch-and-release only, and selective fishery regulations.

Puyallup River, from its mouth to the Electron power plant outlet: June 1 through January 31 season. Trout, minimum length fourteen inches.

From its mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

Raging River, from its mouth to the Highway 18 Bridge (three miles upstream from Preston): June 1 through February 28 season. Trout, minimum length fourteen inches.

Rapjohn Lake: Last Saturday in April through October 31 season. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Rattlesnake Lake: Last Saturday in April through October 31 season. Selective fishery regulations, except electric motors allowed.

Ravensdale Lake: Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length twelve inches. Selective fishery regulations.

Ridley Lake (Whatcom County): July 1 through October 31 season. Trout - daily and possession limit - one, minimum length eighteen inches. Selective fishery regulations.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rock Creek (below Landsburg): Closed waters.

Ross Lake (Reservoir): July 1 through October 31 season. Trout - daily limit - three, possession limit - six, minimum length thirteen inches. Selective fishery regulations. Fishing from boats with motors allowed.

Note: The following tributaries to Ross Lake are closed from the closed water markers near their mouths upstream the distance indicated. Big Beaver Creek, one-quarter mile (see special Big Beaver Creek regulations), Ruby Creek, entire stream. All other tributaries - one mile.

Ross Lake Tributary Streams not listed as closed: July 1 through October 31 season.

Samish, Lake: Feeding (chumming) permitted. Cutthroat - daily limit - two, minimum length fourteen inches.

Samish River, from its mouth to the old Highway 99 Bridge and from the department rack to the Hickson Bridge: June 1 through March 15 season. Trout, minimum length fourteen inches. December 1 through March 15 wild steelhead release. Note: Closed from Highway 99 Bridge to department salmon rack.

Sammamish Lake: Trout - no more than two over fourteen inches in length. December 1 through June 30 season: No retention of steelhead or rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Kokanee may not be kept.

Sammamish River (Slough), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters. All tributaries are closed.

Sauk River, from its mouth to the mouth of the White Chuck River: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the mouth of the White Chuck River to headwaters, including North and South Forks: Trout, minimum length fourteen inches. Selective fishery regulations. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From its mouth to the Darrington Bridge: Additional March 1 through April 30 season. Catch-and-release only, and selective fishery regulations.

1995 Conservation Measures.

Mouth to headwaters, including North and South Forks: Closed to fishing for steelhead September 1, 1995, through October 31, 1995.

Sawyer, Lake: Feeding (chumming) permitted.

Sequallitchew Lake: Contact Ft. Lewis for land use permit.

Serene Lake (Snohomish County): Year around season.

Shady Lake: June 1 through October 31 season. Trout, no more than one over fourteen inches in length.

Shannon, Lake: Last Saturday in April through October 31 season. Feeding (chumming) permitted. Trout - minimum length six inches and maximum length eighteen inches.

Shoecraft Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Silver Lake (Pierce County): Last Saturday in April through October 31 season. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River, from its mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year around season. Trout, minimum length fourteen inches. Retaining steelhead is prohibited from April 1 through May 31. (See Fisher Slough.) Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gorge Powerhouse at Newhalem: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) to pipeline crossing at Sedro Woolley: Additional March 1 through March 31 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From pipeline crossing at Sedro Woolley to mouth of Bacon Creek: Additional March 1 through March 15 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Note: Closed waters from the pipeline crossing at Sedro Woolley to the Dalles Bridge at Concrete March 16 through May 31.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Catch-and-release only, and selective fishery regulations, except lawful to fish from a boat with motor but not while under power.

1995 Conservation Measures.

Waters within 200 feet radius of the mouth of the Baker River: Closed to fishing for steelhead and Dolly Varden/Bull Trout June 1, 1995, through August 15, 1995.

Mouth to mouth of Corkindale Creek: Tackle limited to the use of one single point barbless hook August 16, 1995, through September 30, 1995.

Upstream from the mouth of the Sauk River: Unlawful to fish with bait August 16, 1995, through September 30, 1995.

From the Dalles Bridge upstream to the mouth of the Baker River: Closed to fishing for steelhead and Dolly Varden/Bull Trout October 1, 1995, through October 31, 1995.

Skykomish River, from its mouth to mouth of Sultan River: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Fishing from any floating device prohibited November 1 through February 28 from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Additional March 1 through April 30 season: Trout - catch-and-release only, and selective fishery regulations. Fishing from any floating device prohibited from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet.

From the mouth of the Sultan River to the forks: June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release March 1 through March 31. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds and that same area is closed to fishing June 1 to 8:00 a.m. August 1.

Skykomish River, North Fork, from its mouth to one thousand feet downstream from Bear Creek Falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Closed waters from one thousand feet below Bear Creek Falls to one thousand feet above Bear Creek Falls.

From one thousand feet upstream of Bear Creek Falls to: Quartz Creek: Catch-and-release, selective fishery regulations.

Skykomish River, South Fork, from its mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through February 28 season. Trout, minimum length fourteen inches. Closed waters from Sunset Falls Fishway to a point six hundred feet downstream of the fishway.

From Sunset Falls to source: June 1 through November 30 season. Trout, minimum length fourteen inches. Selective fishery regulations. Additional December 1 through February 28 season for whitefish only.

Snohomish River, all channels, sloughs, and interconnected waterways (excluding all tributaries) from mouth to Highway 529: Year around season. Trout, minimum length fourteen inches. Wild steelhead release May 1 through November 30. Dolly Varden/Bull Trout: Legal to retain

Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From Highway 529 upstream (all channels): June 1 through March 31 season. Trout - daily limit - two, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain as part of trout daily limit, minimum length twenty inches.

Snoqualmie River, from its mouth to the falls: June 1 through March 31 season. Trout, minimum length fourteen inches. June 1 through November 30 selective fishery regulations. Fishing from boats with motors allowed. Fishing from any floating device prohibited November 1 through March 31 from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Note: Waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant #2 building (north bank) are closed.

From Snoqualmie Falls, including the North and South Forks: Trout, minimum length ten inches. Selective fishery regulations. Additional November 1 through February 28 season for whitefish only.

Middle Fork Snoqualmie from mouth to source including all tributaries: Catch-and-release only, and selective fishery regulations.

Soos Creek, from mouth to salmon hatchery rack: June 1 through August 31 season. Trout, minimum length fourteen inches.

South Prairie Creek, closed downstream from Page Creek to its mouth.

Spada Lake (Reservoir): Last Saturday in April through October 31 season. Trout - twelve inch minimum length. Selective fishery regulations except use of electric motors allowed. Note: All tributaries to lake are closed to fishing.

Spanaway Lake, and its outlet downstream to the dam (approximately 800 feet): Year around season.

Sportsman's Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Spring Lake (King County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Squalicum Lake: Trout - daily limit - two. Fly fishing only. Use of motors prohibited.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stetattle Creek, from its mouth for one and one-half miles upstream, to mouth of Bucket Creek: Closed waters.

Stevens, Lake: Feeding (chumming) permitted. Bass - daily limit - one over eighteen inches in length.

Stillaguamish River, and all sloughs, downstream of Warm Beach-Stanwood Highway: Year around season. Trout - daily limit - two, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain as part of trout daily limit, minimum length twenty inches.

Stillaguamish River, upstream from the Warm Beach-Stanwood Highway to the forks (except Harvey Creek,

Pioneer Ponds, and Portage Creek are closed): June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release May 1 through November 30. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Closed waters from the barrier dam (downstream of I-5) downstream two hundred feet.

Stillaguamish River, North Fork, from its mouth to Swede Heaven Bridge: Year around season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). March 1 through November 30 wild steelhead release. Fly fishing only April 16 through November 30.

Stillaguamish River, South Fork, from its mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Note: Closed from Mt. Loop Highway bridge above Granite Falls downstream to a point four hundred feet below the outlet of the end of the fishway.

Stillaguamish River, South Fork, above Mountain Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stuck River: See White River.

Suiattle River: Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

1995 Conservation Measures.

Mouth to headwaters: Closed to fishing for steelhead September 1, 1995, through October 31, 1995.

Sultan River, from its mouth to a point four hundred feet downstream from the diversion dam at river mile 16: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Note: North and South Forks are closed to fishing.

Sunday Creek (tributary to N.F. Snoqualmie River): Closed waters.

Swamp Creek (tributary to Sammamish River): Closed waters.

Tanwax Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Tapps Lake (Reservoir) and intake canal—Open area includes intake canal to within four hundred feet of the screen at Dingle Basin: Year around season.

Tate Creek (tributary to N.F. Snoqualmie River): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie): Catch-and-release only, and selective fishery regulations.

Tennant Lake: Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake: Fishing from any floating device prohibited from first Friday in October through January 15 except fishing from floating dock permitted. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Thornton Creek (tributary to Lake Washington): Closed waters.

Tibbetts Creek (tributary to Lake Sammamish): Closed waters.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek, from its mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season. Trout, minimum length fourteen inches. This area is closed to all fishing from April 1 through November 30.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed to all fishing year around.

Tolt River, from its mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through February 28 season. Trout, minimum length fourteen inches. June 1 through November 30 season. Selective fishery regulations.

From the USGS trolley cable to the mouth of Yellow Creek on the North Fork, and to the dam on the South Fork: Closed waters.

North Fork above Yellow Creek: Trout - catch-and-release only, selective fishery regulations.

South Fork above the dam: Trout, minimum length ten inches. Selective fishery regulations.

Tradition Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Tye River: Trout, minimum length fourteen inches. Selective fishery regulations. Additional November 1 through February 28 season for whitefish only.

Voight's Creek: Closed waters from mouth to Highway 162 Bridge.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River, from its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through September 1 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Note: Closed waters from the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery.

From the mouth to mouth of Olney Creek: Additional November 1 through February 28 season. Trout, minimum length fourteen inches. Fishing from any floating device

prohibited. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Wapato Lake: Juveniles only (under fifteen years old).

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream: December 1 through last day in February season: Trout - no retention of steelhead or rainbow trout over twenty inches in length. March 1 through June 30 season: Trout - minimum length twelve inches. No retention of steelhead or rainbow trout over twenty inches in length. Closed to boat fishing one hundred yards either side of the floating bridges. Feeding (chumming) permitted year around. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon.

Washington, Lake, Ship Canal (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): Seasons: West boundary to a north-south line 400 feet east of the eastern end of the northern wing-wall of Chittenden Locks - Closed waters; 400 feet east of the eastern end of the northern wing-wall of Chittenden Locks to the east boundary - Open year around. Species restrictions: Trout -

December 1 through last day in February: Daily limit five, no minimum length. No retention of steelhead or rainbow trout over twenty inches in length. Trout - March 1 through June 30: Daily limit five. Minimum length twelve inches. No retention of steelhead or rainbow trout over twenty inches in length. Trout - July 1 through November 30: Daily limit five, no minimum length. Wild steelhead release. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon. Special provisions: West of Fremont Bridge - Unlawful to fish from boats. East of Fremont Bridge - chumming permitted.

1995 Conservation Measures.

Waters east of north-south line 400 feet west of the Chittenden Locks to a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge: Closed to fishing for all game fish except bass May 1, 1995, through October 31, 1995.

Whatcom Creek, mouth to stone bridge at Whatcom Falls Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Trout - no minimum length. Juveniles only (under fifteen years old).

Whatcom, Lake: Last Saturday in April through October 31 season. Trout - no more than one over fourteen inches in length. Feeding (chumming) permitted. (All tributaries are closed to fishing, and, in addition, that portion of Lake Whatcom between the Electric Avenue Bridge and the outlet dam.)

White (Stuck) River, from mouth to Highway 410 Bridge at Buckley: June 1 through September 30 - Closed

waters. October 1 through May 31 season: Trout, minimum length fourteen inches. Note: Puget Power canal, including the screen bypass channel, is closed to fishing above the screen at Dingle Basin.

From mouth to R Street SE Bridge in Auburn: Additional November 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Additional November 1 through January 31 season for whitefish only.

Whitechuck River: Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Wilderness Lake (King County): Last Saturday in April through October 31 season.

Willow Lake (Whatcom County): July 1 through October 31 season. Trout - daily and possession limit - one, minimum length eighteen inches. Selective fishery regulations.

Wiser Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Region V.

Description: That area of the state contained within the boundaries of Clark, Cowlitz, Klickitat, Lewis, Skamania, and Wahkiakum counties.

Exception - Region V regulations. State-wide regulations apply to all waters except where modified in special regulations below.

Abernathy Creek, from Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Release all steelhead June 1 through October 31.

Alder Creek: Closed waters.

Battle Ground Lake: Last Saturday in April through October 31 season. Internal combustion engines prohibited.

Beaver Creek (tributary to Elochoman River): Closed waters.

Berry Creek (tributary to Nisqually River): Selective fishery regulations.

Big White Salmon River, from mouth to powerhouse: Year around season. Trout, minimum length fourteen inches. Wild steelhead release. From powerhouse to within four hundred feet of Northwestern Dam: November 16 to June 15 season. Trout, minimum length fourteen inches. Wild steelhead release.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Trout, minimum length twelve inches. Selective fishery regulations.

Bird Creek: Trout - daily limit - five.

Blockhouse Creek: Trout - daily limit - five.

Bloodgood Creek: Trout - daily limit - five.

Blue Creek, from mouth to Spencer Road: Closed waters.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Catch-and-release only. Selective fishery regulations.

Bowman Creek: Trout - daily limit - five.

Butter Creek: Trout, minimum length ten inches. Selective fishery regulations.

Canyon Creek: Trout - daily limit - five.

Carlisle Lake: Last Saturday in April through February 28 season. Internal combustion engines prohibited. Bass - minimum length fourteen inches.

Castle Lake: Trout - daily limit - one, minimum length sixteen inches. Selective fishery regulations.

Cedar Creek (tributary of N.F. Lewis) from mouth to junction of Chelatchie Creek: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release.

Cispus River, North Fork: Trout, no more than one over twelve inches in length.

Clear Creek (tributary to Muddy River, Skamania County): Trout, minimum length twelve inches. Selective fishery regulations.

Clearwater Creek (tributary to Muddy River, Skamania County): Trout, minimum length twelve inches. Selective fishery regulations.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Coldwater Lake: All inlet streams and outlet streams closed waters. Trout - daily limit - one, minimum length sixteen inches. Selective fishery regulations. Note: Limited access available, contact National Volcanic Monument Headquarters for specific information.

Connelly Creek and tributaries, from four hundred feet below the city of Morton Dam to its source: Closed waters.

Cougar Creek (tributary to Yale Reservoir): June 1 through August 31 season.

Coweeman River, from mouth to Mulholland Creek: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

1995 Conservation Measures.

Mouth to Mulholland Creek: Closed to fishing for steelhead August 16, 1995, through October 15, 1995.

Cowlitz Falls Reservoir: June 1 through February 28 season. Trout - daily limit five, minimum length eight inches. The upstream boundary of the reservoir in the Cowlitz arm is the posted markers located approximately 500 feet upstream from the boat ramp at the Lewis County PUD Cowlitz Falls Campground. The upstream boundary of the

reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms.

Cowlitz River, from mouth to Mayfield Dam: Year around season. Trout - daily limit - five, minimum length twelve inches, no more than two over twenty inches. Wild cutthroat release. Wild steelhead release June 1 through May 31. Closed to fishing for all game fish except steelhead April 1 through May 31. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. From the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device.

From Mayfield Dam to mouth of Muddy Fork: Year around season. Wild steelhead release.

1995 Conservation Measures.

From Mill Creek upstream to barrier dam: Closed to fishing for steelhead from the south side of the river September 16, 1995, through October 15, 1995.

Cowlitz River, Clear Fork and Muddy Fork: Trout - daily limit - five, no more than one over twelve inches in length.

Davis Lake: Last Saturday in April through February 28 season.

Deep River: Year around season. Trout, minimum length fourteen inches.

Elochoman River, from mouth to West Fork: June 1 through March 15 season. Trout - daily limit - five, minimum length twelve inches, no more than two over twenty inches. Wild steelhead release and wild cutthroat release.

The following waters of the Elochoman River are closed at all times: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the Department of Fish and Wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; waters from the Beaver Creek Bridge to 200 feet below the weir at Beaver Creek Hatchery.

From West Fork to source: Closed waters.

Fort Borst Park Lake: Last Saturday in April through February 28 season. Juveniles only (under fifteen years old).

Franz Lake: Closed waters.

Germany Creek, from mouth to end of Germany Creek Road (approximately five miles): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Release all steelhead June 1 through October 31.

Gobar Creek (tributary to Kalama River): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Grays River, from mouth to mouth of South Fork: September 1 through March 15 season. Trout, minimum length twenty inches. Wild steelhead release. Open only to fishing for steelhead.

Grays River, East Fork: Trout, minimum length fourteen inches. Selective fishery regulations.

Grays River, West Fork, downstream from hatchery trap site: June 1 - August 31 season.

Green River, from mouth to 2800 Bridge: June 1 through November 30 season except closed from salmon hatchery rack to a point 1500 feet downstream during the period September 1 through November 30. Trout, minimum length twenty inches. Open only to fishing for steelhead.

Note: All tributaries closed.

From 2800 Bridge to source, including all tributaries: Closed waters.

1995 Conservation Measures.

Mouth to salmon hatchery rack: Closed to fishing for steelhead September 16, 1995, through October 15, 1995.

Grizzly Lake: Closed waters.

Hamilton Creek: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Hemlock Lake (Trout Creek Reservoir): June 1 through October 31 season. Trout - daily limit - two, and minimum length fourteen inches. Wild steelhead release. Selective fishery regulations.

Horseshoe Lake: Last Saturday in April through October 31 season.

Horsethief Lake: Last Saturday in April through October 31 season.

Icehouse Lake: Last Saturday in April through February 28 season.

Indian Heaven Wilderness Lakes: Trout - daily limit - three.

Jewett Creek: Trout - daily limit - five, no minimum length. Juveniles only (under fifteen years old).

Johnson Creek (tributary to Cowlitz River): Trout, minimum length ten inches. Selective fishery regulations.

Kalama River, for all sections from mouth to Kalama Falls that are open to fishing the following regulations apply: (1) Trout, minimum length twelve inches; and (2) wild cutthroat release; and (3) wild steelhead release.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: (1) Year around season; (2) September 1 through October 31 fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery; (3) from two hundred feet above to one thousand five hundred feet below the temporary rack is closed during the period the fish rack is installed; and (4) motors prohibited upstream of Modrow Bridge.

One thousand feet below fishway to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year around season.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fly fishing only.

From 6420 Road (about one mile above the gate at the end of the county road) to Kalama Falls: Closed waters.

1995 Conservation Measures.

Mouth upstream to 200 feet upstream of temporary rack: Closed to fishing for steelhead August 16, 1995, through October 15, 1995.

Kidney Lake: Last Saturday in April through February 28 season.

Klickitat River, from mouth to Fisher Hill Bridge: June 1 through November 30 season. Trout, minimum length twelve inches.

From Fisher Hill Bridge to four hundred feet above #5 fishway: Closed waters.

From four hundred feet above #5 fishway to the Yakama Indian Reservation boundary: June 1 through November 30 season. Trout, minimum length twelve inches. Additional December 1 through March 31 season for whitefish only. From boundary markers above Klickitat salmon hatchery to boundary markers below hatchery: Closed waters.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds: Last Saturday in April through February 28 season.

Kress Lake: Last Saturday in April through February 28 season. Bass - only bass less than twelve inches or over eighteen inches in length may be kept. Internal combustion engines prohibited.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Lewis River, from mouth to forks: Year around season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Lewis River, North Fork, from mouth to overhead powerlines below Merwin Dam: Year around season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Closed waters: Shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder.

From lower Cedar Creek concrete boat ramp to Colvin Creek: Night closure April 1 through October 31.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: Trout, minimum length twelve inches. Closed October 1 through December 15 to fishing.

From overhead powerlines to Merwin Dam: Closed waters.

From Yale Dam downstream one thousand three hundred feet to the cable crossing: Closed waters.

Lewis River Power Canal and old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse: Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

From Eagle Cliff Bridge to lower falls: Trout, minimum length twelve inches. Selective fishery regulations.

Lewis River; East Fork (south), the following are closed waters: (1) From the posted markers below to one hundred feet above Lucia Falls; (2) from four hundred feet below to four hundred feet above Molton Falls; and (3) from four hundred feet below Horseshoe Falls to one hundred feet above Sunset Falls.

From mouth to four hundred feet below Horseshoe Falls: June 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release.

From one hundred feet above Sunset Falls to source: June 1 through December 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

Mouth to posted markers at top boat ramp at Lewisville Park: Additional April 16 through May 31 season. Wild steelhead release. Open only for steelhead.

Little Ash Lake: Last Saturday in April through February 28 season.

Little Klickitat River, within Goldendale city limits: Last Saturday in April through October 31 season. Trout - daily limit - five, no minimum length. Juveniles only (under fifteen years old).

Little Nisqually River: Trout, minimum length ten inches. Selective fishery regulations.

Little White Salmon River: Trout - daily limit - five. From fishway downstream to markers at federal fish hatchery a distance of one thousand five hundred feet: Closed waters.

Love Lake: Closed waters.

Mayfield Lake (Reservoir): Tiger musky - daily limit - one, minimum length thirty-six inches.

Merrill Lake: Trout - daily limit - two, maximum length twelve inches. Fly fishing only, except motors allowed.

Merwin (Lake) Reservoir: Trout - minimum length six inches.

Mill Creek (Cowlitz County), from mouth to forks (approximately one mile): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Release all steelhead June 1 through October 31.

Mineral Creek (tributary to Nisqually River): Trout, minimum length twelve inches. Selective fishery regulations.

Mineral Creek, North Fork: Trout, minimum length twelve inches. Selective fishery regulations.

Mineral Lake: Last Saturday in April through September 30 season.

Muddy River (tributary to N.F. Lewis River): Trout, minimum length twelve inches. Selective fishery regulations.

Newaukum River, main river, Middle Fork and South Fork: June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

Newaukum River, North Fork, from mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

From Chehalis city water intake upstream: Closed waters.

Northwestern Reservoir: Last Saturday in April through February 28 season.

Ohanapecosh Creek (tributary to Cowlitz River): Trout, minimum length twelve inches. Selective fishery regulations.

Olequa Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Outlet Creek: Trout - daily limit - five.

Packwood Lake: All inlet streams and outlet from log boom to dam: Closed waters. Last Saturday in April through October 31 season. Trout - daily limit - five, minimum length ten inches. Selective fishery regulations.

Panther Creek (tributary to Wind River): Trout, minimum length twelve inches. Selective fishery regulations.

Pine Creek (tributary to N.F. Lewis River): Trout, minimum length twelve inches. Selective fishery regulations.

Plummer Lake: Last Saturday in April through February 28 season.

Riffe (Lake) Reservoir: Lawful to fish up to the base of Swofford Pond Dam.

Rock Creek (Skamania County): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Rowland Lakes: Last Saturday in April through February 28 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through October 31 open to trout only. Release all steelhead and wild cutthroat release. Trout minimum length twelve inches. November 1 through March 15 open to trout and steelhead. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Silver Creek (tributary to Cowlitz River), mouth to USFS Road 4778: Trout, minimum length twelve inches. Selective fishery regulations.

Silver Lake: Bass - minimum length fourteen inches. Use of water dogs or salamanders for fishing prohibited.

Skamokawa Creek, mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. Trout, minimum length twenty inches. Wild steelhead release. Open only to fishing for steelhead.

Skate Creek (tributary to Cowlitz River): Trout - daily limit - five, no more than one over twelve inches in length.

Spearfish Lake: Last Saturday in April through February 28 season.

Spirit Lake (Skamania County): Closed waters.

Spring Creek: Trout - daily limit - five.

Swift Reservoir: Last Saturday in April through October 31 season.

Swofford Pond: Bass - daily and possession limit - two. Only bass less than twelve inches or over eighteen inches in length may be kept. Channel catfish - minimum length twenty inches. Internal combustion engines prohibited.

Tilton River, from mouth to West Fork: June 1 through March 31 season. Trout - daily limit - five, no more than one over twelve inches in length.

Tilton River, South Fork and East Fork: Trout, minimum length ten inches. Selective fishery regulations.

Tilton River, North Fork and West Fork: Trout, minimum length twelve inches. Selective fishery regulations.

Toutle River, mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Trout, minimum length twenty inches. Open only to fishing for steelhead.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries: Closed waters. (Note: Castle Lake, and Coldwater Lake open waters.)

1995 Conservation Measures.

Toutle River - North Fork, from the mouth of the Green River downstream approximately 200 yards to the power line crossing: Closed to fishing for steelhead September 16, 1995, through October 15, 1995.

Toutle River, South Fork, mouth to source (note: All tributaries closed): June 1 through November 30 season. Trout, minimum length twenty inches. Open only to fishing for steelhead.

Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Wild steelhead release. Open only to fishing for steelhead. Selective fishery regulations.

Trout Creek (tributary to Wind River): Trout, minimum length fourteen inches. Selective fishery regulations.

Trout Lake, tributary to Big White Salmon River: June 1 through October 31 season.

Tunnel Lake: Last Saturday in April through February 28 season.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River draw-bridge near Vancouver downstream to Lewis River: Trout - daily limit - two, minimum length twelve inches.

Walupt Lake: All inlet streams closed. Last Saturday in April through October 31 season. Trout, minimum length ten inches. Selective fishery regulations except motors allowed.

Washougal River, from mouth to bridge at Salmon Falls: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Mouth to Mt. Norway Bridge: Additional April 15 through May 31 season. Wild steelhead release. Open only for steelhead.

From bridge at Salmon Falls to its source: Closed waters.

1995 Conservation Measures.

Mouth to 3rd Avenue Bridge: Closed to fishing for steelhead August 16, 1995, through October 15, 1995.

Washougal River, West (North Fork), from mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Willame Lake: Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fifteen inches. Selective fishery regulations.

Wind River, mouth to four hundred feet below Shipherd Falls: June 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source: June 1 through November 30 except closed from an upper boundary sign along Carson National Fish Hatchery grounds to a lower boundary marker 800 yards downstream June 1 through August 31. Wild steelhead release.

Tyee Springs: Closed waters.

From one hundred feet above Shipherd Falls fish ladder to source, including all tributaries: June 1 through November 30 season. Trout, minimum length fourteen inches.

Winston Creek (tributary to Cowlitz River): Trout, minimum length ten inches. Selective fishery regulations.

Yale Reservoir: Kokanee - daily limit - sixteen.

Yellowjacket Creek (tributary to Cispus River): Trout, minimum length twelve inches. Selective fishery regulations.

Yellowjacket Ponds: Last Saturday in April through February 28 season. Trout, no more than one over twelve inches in length.

Region VI.

Description: That area of the state contained within the boundaries of Clallam, Grays Harbor, Jefferson, Kitsap, Mason, Pacific, and Thurston counties and that portion of Pierce County on the Kitsap Peninsula and Fox Island.

Exceptions - Region VI regulations. State-wide regulations apply to all waters except where modified in special regulations below. For regulations within Olympic National Park, call (206) 452-4501.

Aberdeen Lake: Last Saturday in April through October 31 season.

Aldrich Lake: Last Saturday in April through October 31 season.

Aldwell Lake: Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length twelve inches. Selective fishery regulations, except lawful to fish from any floating device equipped with a motor.

Alexander Lake (Kitsap County): Closed waters.

Anderson Lake (Jefferson County): Internal combustion engines prohibited. Last Saturday in April through October 31 season.

From September 1 through October 31. Catch-and-release only. Selective fishery regulations.

Bay Lake: Last Saturday in April through October 31 season.

Bear River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Beaver Creek (Thurston County): See Black River.

Beaver Ponds in Kitsap County, and those ponds in Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Last Saturday in April through October 31 season. Trout - no minimum length.

Benson Lake: Last Saturday in April through October 31 season.

Big Beef Creek: June 1 through October 31 season. Closed to the taking of cutthroat trout.

Big River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black River, from mouth to Black Lake and all tributaries west of Interstate Highway 5 including Waddell Creek, Mima Creek, Beaver Creek, Salmon Creek, Dempsey Creek, and Blooms Ditch: Trout, minimum length twelve inches. Selective fishery regulations.

Blooms Ditch: See Black River.

Bogachiel River, from mouth to National Park boundary: June 1 through April 30 season. Trout, minimum length fourteen inches.

Buck Lake: Last Saturday in April through October 31 season.

Burley Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Cady Lake: Last Saturday in April through October 31 season. Trout - daily limit - two. Fly fishing only. Internal combustion engines prohibited.

Calawah River, from mouth to forks: June 1 through April 30 season. Trout, minimum length fourteen inches.

South Fork from mouth to National Park boundary: June 1 through February 28 season. Trout, minimum length fourteen inches.

Campbell Creek (Mason County): Closed waters.

Canyon Creek (Mason County): Closed waters.

Capitol Lake, from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: June 1 through July 31 season. Trout - daily limit - five, minimum length eight inches. Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. In accordance with WAC 236-16-020, the operation of all motorboats is prohibited in the area of Capitol Lake north of the railroad trestle crossing said lake unless prior written authorization is first obtained from the director of general administration.

Additional August 1 through March 31 season. Trout - daily limit - two, minimum length fourteen inches.

Carney Lake: Last Saturday in April through June 30 and September 1 through October 31 seasons. Internal combustion engines prohibited.

Carson Lake: Last Saturday in April through October 31 season.

Cases Pond: Juveniles only (under fifteen years old).

Cedar Creek (Jefferson County): June 1 through February 28 season. Trout, minimum length fourteen inches.

Chehalis River, from Union Pacific Railroad Bridge in Aberdeen to high bridge on Weyerhaeuser logging road #17 (approximately seven miles south of Pe Ell): June 1 through April 15 season. Trout, minimum length fourteen inches. Wild cutthroat release. Wild steelhead release.

Chehalis River, south fork from mouth to Highway Bridge at Boistfort: June 1 through April 15 season. Trout, minimum length fourteen inches. Wild cutthroat release. Wild steelhead release.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chimacum Creek, from mouth to Ness's Corner Road: June 1 through August 31 season. Trout, minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout, minimum length fourteen inches.

Clallam River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Clara Lake: Last Saturday in April through October 31 season.

Clear Lake: Last Saturday in April through October 31 season.

Clearwater River, from mouth to Snahapish River: June 1 through April 15 season. Trout, minimum length fourteen inches.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cloquallum Creek, from mouth to second bridge on Cloquallum Road: June 1 through February 28 season. Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.

Copalis River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Coulter Creek: Trout, minimum length fourteen inches.

Cranberry Creek, mouth to Lake Limerick: Closed waters.

Curley Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Cushman Reservoir: Closed to the taking of Dolly Varden Bull Trout.

Deep Creek: Closed waters.

Deep Lake: Last Saturday in April through October 31 season.

Deer Creek (Mason County): Closed waters.

Deer Lake: Last Saturday in April through October 31 season.

Dempsey Creek: See Black River.

Deschutes River, from old U.S. Highway 99 Bridge near Tumwater to Vail Road Bridge one mile southwest of Lawrence Lake: June 1 through March 31 season. Trout, minimum length fourteen inches.

From Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder: Closed waters.

Devereaux Lake: Last Saturday in April through October 31 season.

Devil's Lake: Last Saturday in April through October 31 season.

Dewatto River: Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to bridge on Bear Creek-Dewatto Road: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Dickey River (includes all forks): June 1 through April 30 season. Trout, minimum length fourteen inches.

Dosewallips River, from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Duckabush River, from mouth to the Olympic National Park Boundary: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Dungeness River, from mouth to junction of Gray Wolf and Dungeness River: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release. Closed to taking of steelhead August 1 to October 15.

From junction of Gray Wolf River upstream to headwaters: Trout, minimum length fourteen inches.

1995 Conservation Measures.

Mouth to mouth of Gray Wolf River: Closed to fishing for steelhead, night closure and unlawful to fish with nonbuoyant lures having more than one single pointed hook July 1, 1995, through July 31, 1995.

Upstream of the mouth of the Gray Wolf River: Night closure and unlawful to fish with nonbuoyant lures having more than one single pointed hook July 1, 1995, through July 31, 1995.

East Twin River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Elk River, from the Highway 105 Bridge upstream: June 1 through February 28 season. Trout, minimum length twelve inches. Wild cutthroat release.

Elwha River, from mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through April 15 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited. Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek (see below): Trout, minimum length twelve inches; selective fishery regulations.

Failor Lake: Last Saturday in April through October 31 season.

Goldsborough Creek: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Gorst Creek (Kitsap County), from lower bridge on the old Belfair Highway upstream to source (including tributaries): Closed waters.

From mouth upstream to lower bridge: Trout, minimum length fourteen inches.

Gosnell Creek and all its tributaries (tributary to Lake Isabella, Mason County): Trout, minimum length fourteen inches.

Grass Lake: Last Saturday in April through October 31 season.

Gray Wolf River: Trout, minimum length fourteen inches. Selective fishery regulations.

1995 Conservation Measures.

Night closure and unlawful to fish with nonbuoyant lures having more than one single pointed hook July 1, 1995, through July 31, 1995.

Hamma Hamma River, from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

From falls to mouth of Boulder Creek: Trout - daily limit - five - no minimum length.

Hammersley Inlet Freshwater Tributaries (except Mill Creek): Closed waters.

Hatchery Lake: Last Saturday in April through October 31 season.

Haven Lake: Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hicks Lake: Last Saturday in April through October 31 season.

Hoh River, from mouth to mouth of South Fork and in South Fork outside National Park boundary: June 1 through April 15 season. Trout, minimum length fourteen inches.

Hoko River: Trout, minimum length fourteen inches.

From mouth to cement bridge on Lake Ozette Highway (upper Hoko Bridge): Additional November 1 through March 15 season. Trout, minimum length fourteen inches.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Catch-and-release, fly fishing only and use of motors prohibited.

Hoquiam River (includes all forks): June 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season.

Howell Lake: Last Saturday in April through October 31 season.

Humptulips River (mainstem), from mouth to forks: June 1 through April 30 season. Trout, minimum length fourteen inches.

East Fork, from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and

Grisdale: June 1 through April 30 season. Trout, minimum length fourteen inches.

West Fork, from mouth to bridge on Forest Service Road #2204 (about one-half mile above the mouth of Chester Creek): June 1 through April 30 season. Trout, minimum length fourteen inches.

Indian Creek (tributary to Elwha River), from mouth upstream to first Highway 101 crossing: Trout, minimum length twelve inches. Selective fishery regulations.

John's Creek (Mason County): Closed waters.

Johns River (includes North, South forks): June 1 through February 28 season. Trout, minimum length twelve inches. Wild cutthroat release.

Kalaloch Creek, outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Kennedy Creek, from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Kennedy Creek Pond: Last Saturday in April through October 31 season.

Koeneman Lake (formerly Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective fishery regulations. Catch-and-release only.

Lawrence Lake (Thurston County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Lincoln Pond (Clallam County): Juveniles only (under fifteen years old).

Little Quilcene River, from mouth to the Little Quilcene River Bridge on Penny Creek Road: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Long Lake (Kitsap County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Loomis Lake: Last Saturday in April through October 31 season.

Lost Lake (Jefferson County): Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fourteen inches.

Lower Lena Lake, inlet stream from mouth upstream to footbridge (about one hundred feet): Closed waters.

Lyre River, from mouth to falls near river mile 3: June 1 through February 28 season. Trout, minimum length fourteen inches.

Remainder of river: Trout, minimum length twelve inches.

Maggie Lake: Last Saturday in April through October 31 season.

McAllister Creek: Trout, minimum length fourteen inches.

McDonald Creek (Clallam County): Trout, minimum length fourteen inches.

McIntosh Lake: Last Saturday in April through October 31 season.

McLane Creek, from the south bridge on Highway 101 upstream: Trout, minimum length fourteen inches.

McLane Creek Pond: Last Saturday in April through October 31 season.

Melaney Creek: Closed waters.

Melbourne Lake: Last Saturday in April through October 31 season.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old). Trout - no minimum length.

Mill Creek (Mason County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Mill Creek Pond (Grays Harbor County): Juveniles only (under fifteen years old).

Mills Lake: Check Olympic National Park regulations, call (206) 452-4501.

Mima Creek: See Black River.

Minter Creek: Trout, minimum length fourteen inches. Area from department intake dam downstream to mouth: Closed waters.

Mission Lake: Last Saturday in April through October 31 season.

Moclips River, from mouth to outside the Quinault Indian Reservation: June 1 through February 28 season. Trout, minimum length fourteen inches.

Moose Pond (Pacific County): June 1 through October 31 season.

Morse Creek, from mouth to Port Angeles Dam: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Mosquito Creek (Jefferson County) outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Munn Lake: Last Saturday in April through October 31 season.

Naselle River, from Highway 101 Bridge upstream (includes all forks): Trout, minimum length fourteen inches.

Note: Waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery are closed during the period September 1 through January 31.

That area from falls in Sec. 6, T10N, R8W, (Wahkiakum County) downstream four hundred feet: Closed waters.

From Highway 101 Bridge to mouth of North Fork: Additional November 1 through March 31 season. Trout, minimum length fourteen inches.

South Fork, from mouth to Bean Creek: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Nemah River (North, Middle, South): June 1 through February 28 season. Trout, minimum length fourteen inches.

Nisqually River, from mouth to four hundred feet below LaGrande Powerhouse: June 1 through February 28 season. Trout, minimum length fourteen inches.

From mouth to highway bridge at McKenna: Additional March 1 through March 31 season. Trout, minimum length fourteen inches.

North River, from Highway 105 Bridge upstream: Trout, minimum length fourteen inches.

From Highway 105 Bridge to Falls River: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Oakland Bay freshwater tributaries (except Goldsborough Creek) (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Offutt Lake: Last Saturday in April through October 31 season.

Osborne Lake: Last Saturday in April through October 31 season.

Owens Pond (Pacific County): June 1 through October 31 season.

Ozette Lake: Check Olympic National Park regulations (206) 452-4501.

Ozette River, outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Palix River (includes all forks): June 1 through February 28 season. Trout, minimum length fourteen inches.

Panhandle Lake: Last Saturday in April through October 31 season.

Panther Lake: Last Saturday in April through October 31 season.

Pattison Lake: Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Percival Creek: Trout, minimum length fourteen inches.

Pine Lake: Last Saturday in April through October 31 season.

Pleasant Lake: Kokanee - minimum length eight inches, maximum length twenty inches.

Prices Lake: Last Saturday in April through October 31 season. Selective fishery regulations, catch-and-release only.

Purdy Creek (Mason County): June 1 through August 15 season. Trout, minimum length fourteen inches.

Pysht River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Queets River: Check Olympic National Park regulations, (206) 452-4501.

Quilcene River, from mouth to upper boundary of Falls View Campground: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

From the upper boundary of Falls View Campground to the water diversion at the mouth of Tunnel Creek: Trout - daily limit - five, no minimum length.

1995 Conservation Measures.

Mouth to upper boundary of Falls View Campground: Closed to fishing for steelhead August 16, 1995, through October 31, 1995.

Quillayute River: June 1 through April 30 season. Trout, minimum length fourteen inches.

Quinault Lake and Lower Quinault River: When fishing within the boundaries of the Quinault Indian Reservation, contact the Quinault Indian Tribe to find out what tribal permits and regulations apply (206) 276-8211.

Quinault River, Upper, from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout, minimum length fourteen inches.

Raft River: When fishing within the boundaries of the Quinault Indian Reservation, contact the Quinault Indian Tribe to find out what tribal permits and regulations apply (206) 276-8211.

Robbins Lake: Last Saturday in April through October 31 season.

Rose Lake: Last Saturday in April through October 31 season.

Salmon Creek (Jefferson County, includes all forks): Closed waters.

Salmon Creek Naselle River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Salmon Creek (Thurston County): See Black River.

Salmon River (Jefferson County): June 1 through February 28 season. Trout, minimum length fourteen inches.

Salt Creek: Trout, minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Satsop Lakes: Last Saturday in April through October 31 season.

Satsop River (includes all forks): Trout, minimum length twelve inches. Wild cutthroat release except on east fork above Bingham Creek. Selective fishery regulations on East Fork upstream from mouth of Bingham Creek.

From mouth to bridge at Schafer Park: Additional November 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Turnow Branch, from mouth to posted deadline at bridge on Matlock Grisdale Road: Additional November 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

West Fork, from mouth to bridge on Matlock Grisdale Road: Additional November 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Seki River: Trout, minimum length fourteen inches.

From mouth to forks: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Shelton Creek: Closed waters.

Sherwood Creek: Trout, minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season.

Shoe Lake: Last Saturday in April through October 31 season.

Siebert Creek: Trout, minimum length fourteen inches.

Silent Lake: Last Saturday in April through October 31 season.

Skokomish River, mouth to forks: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

1995 Conservation Measures.

Mouth to Forks: Closed to fishing for steelhead September 1, 1995, through October 31, 1995.

Skokomish River, South Fork, mouth to mouth of Church Creek: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Mouth of Church Creek to headwaters: Trout, minimum length twelve inches. Selective fishery regulations.

Skokomish River, North Fork, mouth to lower dam: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

North Fork above Lake Cushman mouth to Olympic National Park boundary: June 1 through August 31 season. Trout catch-and-release only. Selective fishery regulations.

Skookum Creek (Mason County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Skookumchuck Reservoir: June 1 through October 31 season. Trout - daily limit - two, minimum length twelve inches.

Skookumchuck River, from Skookumchuck Reservoir upstream and all tributaries: Trout, minimum length twelve inches. Selective fishery regulations.

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Smith Creek (Pacific County near North River): June 1 through February 28 season. Trout, minimum length fourteen inches.

Snow Creek (includes all tributaries except Crocker Lake): Closed waters.

Soleduck River, from mouth to National Park boundary: Trout, minimum length fourteen inches.

From mouth to the concrete pump station at the Soleduck Hatchery: Additional November 1 through April 30 season. Trout, minimum length fourteen inches.

From the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream from Snider Creek: Additional November 1 through April 30 season. Trout, minimum length fourteen inches. Wild steelhead release, selective fishery regulations.

South Bend Mill Pond (Pacific County): Juveniles only (under fifteen years old).

Stevens Creek, mouth to Highway 101 Bridge: June 1 through February 28 season. Trout, minimum length fourteen inches.

Steves Lake: Last Saturday in April through October 31 season.

Stump Lake: Last Saturday in April through October 31 season.

Suez River (Sooes River): June 1 through February 28 season. Trout, minimum length fourteen inches.

Summit Lake: Last Saturday in April through October 31 season.

Sutherland Lake: Feeding (chumming) permitted.

Sylvia Lake: Last Saturday in April through October 31 season.

Tahuya River: Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to the Bear Creek-Dewatto Road crossing: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead and wild cutthroat release.

Tarboo Lake: Last Saturday in April through October 31 season.

Tenas Lake: Last Saturday in April through October 31 season.

Tiger Lake: Last Saturday in April through October 31 season.

Twin Lake: Last Saturday in April through October 31 season.

U Lake: Last Saturday in April through October 31 season.

Uncle John Creek: Closed waters.

Union River (main river and tributaries upstream from watershed boundary to source): Closed waters.

From mouth to watershed boundary: Trout, minimum length fourteen inches.

From mouth to lower bridge on the Old Belfair Highway: Additional November 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Valley Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Vance Creek (Mason County): Trout, minimum length fourteen inches.

Vance Creek/Elma Ponds: Last Saturday in April through October 31 season.

Waddell Creek: See Black River.

Ward Lake: Last Saturday in April through October 31 season.

West Twin River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Wildberry Lake: Last Saturday in April through October 31 season.

Wildcat Lake: Last Saturday in April through October 31 season.

Willapa River (includes all forks) upstream from department boat launch in South Bend: Trout, minimum length fourteen inches.

From department boat launch in South Bend to Forks Creek: Additional November 1 through March 31 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited from the bridge on Willapa Road (Camp One Bridge) to Forks Creek.

South Fork: Additional November 1 through last day of February season. Trout, minimum length fourteen inches.

Falls on South Fork downstream four hundred feet: Closed waters.

Williams Creek (Pacific County): June 1 through February 28 season. Trout, minimum length fourteen inches.

Wishkah River (includes all forks): Trout, minimum length twelve inches. Wild cutthroat release.

Mainstem from dam at Wishkah Rearing Ponds (formerly Mayr Bros.) downstream to four hundred feet below the outlet: Closed waters.

From the mouth to Cedar Creek: Additional November 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release. East and West forks: Closed waters.

Wood Lake: Last Saturday in April through October 31 season.

Woodland Creek: Trout, minimum length fourteen inches.

Wooten Lake: Last Saturday in April through October 31 season.

Wynoochee River, areas four hundred feet downstream from the bases of Wynoochee Dam and the barrier dam near Grisdale: Closed waters.

Remainder of river: Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to 7400 line bridge above mouth of Schafer Creek: Additional November 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.

Wynoochee Reservoir: June 1 through October 31 season. Trout - daily limit - two, minimum length twelve inches.

Marine waters regulations.

These regulations apply to all marine waters contained within the boundaries of Washington state, within Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Strait of Georgia, and the Pacific Ocean, including estuaries (river mouths) from salt water upstream to a line between the outermost headlands measured at the highest high tide (usually the debris line furthest inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below).

Fishing hours: Twenty-four hours per day year around.

License requirements: A valid current Washington state department of fish and wildlife game fishing license is required to fish for game fish in marine waters.

Permit requirements: A valid current steelhead license is required of persons fishing for steelhead in marine waters. All steelhead taken from the above described marine areas shall be entered on the steelhead catch record card using the words Marine Area and followed by the appropriate marine area code number.

Underwater spearfishing: Game fish may be taken by means of legal angling gear only. Spearing, gaffing, clubbing, netting, or trapping game fish is unlawful.

MARINE WATERS RULES
CATCH AND MINIMUM SIZE LIMITS:

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS
Trout (Including steelhead)	Two, wild cutthroat release in	Fourteen inches

Marine Areas 12- (Hood Canal) and 13- (South Puget Sound). Wild steelhead release in Marine Areas 1 through 13.

Dolly Varden

Closed year around to fishing for or retaining Dolly Varden/Bull Trout.

Marine waters: Gear restrictions.

Area 10: Those waters downstream of the First Avenue South Bridge to an east-west line through southwest Hanford Street on Harbor Island and parallel to southwest Spokane Street where it crosses Harbor Island - Nonbuoyant lure restriction July 1 through November 30.

Marine waters: Closed waters.

Area 10 - Those waters west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed to fishing at all times.

Marine waters: Area codes and boundaries.

(1) Area 1 (Ilwaco): West of the Megler-Astoria Bridge - north to Leadbetter Point. Effective January 1, 1989, Area 1 includes only waters west of the Buoy 10 Line and north to Leadbetter Point.

(2)(a) Area 2 (Westport-Ocean Shores): From Leadbetter Point north to the Queets River. Area 2 excludes waters of Willapa Bay and Grays Harbor.

(b) Area 2-1: Willapa Bay east of a line from Leadbetter Point to Willapa Channel Marker 8 (Buoy 8) then to the westerly most landfall on Cape Shoalwater.

(c) Area 2-2: Grays Harbor east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty.

(3) Area 3 (La Push): From the Queets River north to Cape Alava.

(4) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.

(5) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.

(6) Area 6 (East Juan de Fuca Strait): From Low Point east to the Partridge Point-Point Wilson line north to the line from Trial Island (near Victoria, B.C.) - Navigation Buoy BW "R" - Smith Island - the most northeasterly of the Lawson Reef lighted buoys (RB1 QK Fl Bell) - Northwest Island - the Initiative 77 marker on Fidalgo Island.

(7) Area 7 (San Juan Islands): All marine waters north of the line described under Area 6 to the United States-Canadian boundary.

(8)(a) Area 8 (Deception Pass, Hope and Camano Islands): Line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point - Shipwreck Line.

(b) Area 8-1 (Deception Pass and Hope Island): East of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, south of the Burlington Northern Railroad Bridge at the north end of Swinomish

PERMANENT

Slough, north of the Highway 532 Bridge between Camano Island and the mainland, and westerly of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (F1 red 4 sec.).

(c) Area 8-2 (Port Susan and Port Gardner): East of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (F1 red 4 sec.) and north of a line from the south tip of Possession Point 110 degrees true to a shipwreck on the opposite shore.

(9) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and a line projected from the southerly tip of Possession Point 110 degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.

(10) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to a line projected true east-west through the northern tip of Vashon Island.

(11) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.

(12) Area 12 (Hood Canal): All contiguous waters south of the Hood Canal Bridge and adjacent waters north of the Hood Canal Bridge when fishing from the pontoon beneath the bridge.

(13) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

COLUMBIA RIVER REGULATIONS

Daily, size, and possession limits: Unless specified otherwise by special regulations, for waters or categories of waters listed individually, the daily limits and minimum size limits for game fish are as follows:

GAME FISH SPECIES	DAILY LIMITS	MINIMUM SIZE LIMITS
Bass	Five—not more than three over fifteen inches	None
Dolly Varden/ Bull Trout	Closed year around to fishing for or retaining Dolly Varden/Bull Trout.	
Grass Carp	It is unlawful to fish for or retain grass carp	
Trout (Including kokanee and steelhead)	Two	Twelve inches
Walleye	Five, not more than one over twenty-four inches.	Eighteen inches
Whitefish	Fifteen	None
All other game fish	No limit	None
Bullfrogs	Ten	None

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply

with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

Including the Columbia River and impoundments and all connecting sloughs, except Wells Ponds in Region II.

Columbia River from a true north-south line through Buoy 10 to the Megler-Astoria Bridge: August 1 through March 31 season for steelhead. Wild steelhead release. Fishing from the north jetty is allowed during salmon season openings.

1995 Conservation Measures.

From a true north and south line (magnetic 338°N) projected through Buoy 10 upstream to Megler-Astoria Bridge: Unlawful to fish for steelhead with barbed hooks August 1, 1995, through September 4, 1995.

From the Megler-Astoria Bridge to the I-5 Bridge: May 16 to March 31 season for steelhead and trout, except closed September 1 through September 30 at mouth of Abernathy Creek from the Washington shore to a line between Abernathy Point light and a boundary marker east of the mouth of Abernathy Creek. Wild steelhead release and wild cutthroat release. Closed to fishing for steelhead April 1 through May 15.

From the I-5 Bridge to the Highway 395 Bridge at Pasco; including Drano Lake: Wild steelhead release. Closed to fishing for steelhead March 16 through June 15.

Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wingwall of the boat lock near the Washington shore.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E: Year around season. Wild steelhead release.

Closed waters: Ringold Springs Creek (Hatchery Creek).

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24), 46: June 16 through October 22 season. Wild steelhead release.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: June 1 through March 31 season. Wild steelhead release.

PERMANENT

Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to midstream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth.

From Priest Rapids Dam to Chief Joseph Dam: Year around season. Lawful to fish to base of Washburn Pond outlet structure. Wild steelhead release.

Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - waters between the west end of the tailrace deck downstream four hundred feet to boundary marker in Okanogan County.

Above Chief Joseph Dam: See Region I, Lake Roosevelt and Region II, Rufus Woods Lake.

WSR 95-19-013
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3894—Filed September 7, 1995, 9:46 a.m., effective October 6, 1995]

Date of Adoption: September 7, 1995.

Purpose: WAC 388-49-020 amends definitions of administrative error, intentional program violation (IPV), and expedited services. WAC 388-49-640 amends criteria for allotment reduction to recoup overissuance. WAC 388-49-660 amends policy affecting when to implement IPV disqualification. WAC 388-49-670 amends policy affecting penalties for food stamp misuse, amends policy affecting criteria for imposing an IPV disqualification.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-020, 388-49-640, 388-49-660, and 388-49-670.

Statutory Authority for Adoption: RCW 74.04.050.

Adopted under notice filed as WSR 95-15-058 on July 14, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, 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 2, 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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Per RCW 34.05.380(3), implementing the WAC sections is necessary to avoid constituent and public harm, i.e., a later effective date would imperil public welfare.

Effective Date of Rule: October 6, 1995.

September 7, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3840, filed 2/22/95, effective 4/1/95)

WAC 388-49-020 Definitions. (1) "Administrative disqualification hearing" means a formal hearing to determine whether or not a person committed an intentional program violation.

(2) "Administrative error overissuance" means any overissuance caused solely by:

(a) Department action or failure to act when the household properly and accurately reported all the household's circumstances to the department; or

(b) Department failure to timely implement an intentional program violation disqualification; or

(c) For households determined categorically eligible under WAC 388-49-180(1), department action or failure to act which resulted in the household's improper eligibility for public assistance, provided a claim can be calculated based on a change in net food stamp income and/or household size.

(3) "Administrative law judge" means an employee of the office of administrative hearings empowered to preside over adjudicative proceedings.

(4) "Aid to families with dependent children (AFDC) program" means the federally funded public assistance program for dependent children and their families authorized under Title IV-A of the Social Security Act.

(5) "Allotment" means the total value of coupons a household is certified to receive during a calendar month.

(6) "Application process" means the filing and completion of an application form, interview or interviews, and verification of certain information.

(7) "Authorized representative" means an adult nonhousehold member sufficiently aware of household circumstances designated, in writing, by the head of the household, spouse, or other responsible household member to act on behalf of the household.

(8) "Beginning months" means the first month the household is eligible for benefits, and the month thereafter. The first beginning month cannot follow a month in which a household was certified eligible to receive benefits.

(9) "Benefit level" means the total value of food stamps a household is entitled to receive based on household income and circumstances.

(10) "Boarder" means an individual residing with the household, except a person described under WAC 388-49-190 (2)(a), (b), or (c) who is a person:

(a) Paying reasonable compensation to the household for lodging and meals; or

(b) In foster care.

(11) "Budget month" means the first month of the monthly reporting cycle; the month for which the household reports their circumstances.

(12) "Certification period" means definite period of time within which the household has been determined eligible to receive food stamps.

(13) "Child" means someone seventeen years of age or younger, and under parental control.

(14) "Collateral contact" means oral contact in person or by telephone with someone outside of the household to confirm the household's circumstances.

(15) "Commercial boarding home" means an enterprise offering meals and lodging for compensation with the intent of making a profit.

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

(17) "Dependent care deduction" means costs incurred by a household member for care provided by a nonhousehold member when the care is necessary for a household member to seek, accept, or continue employment, or attend training or education preparatory to employment.

(18) "Destitute household" means a household with a migrant or seasonal farmworker with little or no income at the time of application and in need of immediate food assistance.

(19) "Disabled person" means a person who meets one of the following criteria:

(a) Receives Supplemental Security Income (SSI) under Title XVI of the Social Security Act;

(b) Receives disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act;

(c) Is a veteran:

(i) With service-connected or nonservice-connected disability rated or paid as total under Title 38 of the United States Code (USC); or

(ii) Considered in need of regular aid and attendance, or permanently housebound under Title 38 of the USC.

(d) Is a surviving:

(i) Spouse of a veteran and considered in need of aid and attendance, or permanently housebound; or

(ii) Child of a veteran and considered permanently incapable of self-support under Title 38 of the USC;

(e) A surviving spouse or child of a veteran and:

(i) Entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC; and

(ii) Has a disability considered permanent under section 221(i) of the Social Security Act.

(f) Receives disability retirement benefits from a federal, state, or local government agency because of a disability considered permanent under section 221(i) of the Social Security Act;

(g) Receives an annuity payment as part of the Railroad Retirement Act of 1974 under:

(i) Section 2 (a)(1)(iv) and is determined eligible to receive Medicare by the Railroad Retirement Board; or

(ii) Section 2 (a)(1)(v) and is determined disabled based on the criteria under Title XVI of the Social Security Act.

(h) Is a recipient of disability-related medical assistance under Title XIX of the Social Security Act.

(20) "Documentary evidence" means written confirmation of a household's circumstances.

(21) "Documentation" means the process of recording the source, date, and content of verifying information.

(22) "Elderly person" means a person sixty years of age or older.

(23) "Eligible food" means:

(a) For a homeless food stamp household, meals prepared and served by an authorized homeless meal provider; or

(b) For a blind or a disabled resident, meals prepared and served by a group living arrangement facility.

(24) "Entitlement" means the food stamp benefit a household received including a disqualified household member.

(25) "Equity value" means fair market value less encumbrances.

(26) "Expedited services" means providing food stamps within five calendar days to an eligible household which:

(a) Has liquid resources of one hundred dollars or less; and

(b) Has gross monthly income under one hundred fifty dollars; or

(c) Has combined gross monthly income and liquid resources which are less than the household's current monthly rent or mortgage and either the:

(i) Standard utility allowance as set forth in WAC 388-49-505; or

(ii) Limited utility allowance; or

(iii) Actual utility costs, whichever is higher; or

(d) Includes all members who are homeless individuals; or

(e) Includes a destitute migrant or seasonal farmworker.

(27) "Fair hearing" means an adjudicative proceeding in which the department hears and decides an applicant/recipient's appeal from the department's action or decision.

(28) "Fair market value" means the value at which a prudent person might sell the property if the person was not forced to sell.

(29) "Food coupon" means food stamps and the two terms are interchangeable.

(30) "Food coupon authorization (FCA) card" means the document issued by the local or state office to authorize the allotment the household is eligible to receive.

(31) "Food stamp monthly reporting cycle" means the three-month reporting cycle consisting of the budget month, the process month, and the payment month.

(32) "Gross income eligibility standard" means one hundred thirty percent of the federal poverty level for the forty-eight contiguous states.

(33) "Group living arrangement" means a public or private nonprofit residential setting which:

(a) Serves not more than sixteen blind or disabled residents as defined under WAC 388-49-020(19); and

(b) Is certified by the appropriate state agency under section 1616(e) of the Social Security Act.

(34) "Head of household" means the person designated by the household to be named on the case file, identification card, and FCA card.

(35) "Household employment representative" means:

(a) The household member selected as the head of household for employment and training purposes and voluntary quit provisions. Selection is limited to households with:

(i) An adult parent of children, of any age, living in the household; or

(ii) An adult who has parental control over children, under eighteen years of age, living in the household; or

(b) The principal wage earner if no selection is made by the household, or the household is not entitled to make a selection.

(36) "Home visit" means a personal contact at the person's residence by a department employee. The home visit shall be scheduled in advance with the household.

(37) "Homeless individual" means a person lacking a fixed and regular nighttime residence or a person whose primary nighttime residence is a:

(a) Supervised shelter designed to provide temporary accommodations;

(b) Halfway house or similar institution providing temporary residence for persons needing or coming out of institutionalization;

(c) Temporary accommodation in the residence of another person; or

(d) Place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

(38) "Homeless meal provider" means a public or private nonprofit establishment (for example, soup kitchen, temporary shelter, mission, or other charitable organizations) feeding homeless persons, approved by the division of income assistance (DIA) and authorized by food and nutrition service (FNS).

(39) "Household" means the basic client unit in the food stamp program.

(40) "Household disaster" means when food coupons, food purchased with food coupons, or food coupon authorization cards are destroyed by a natural disaster, such as flood, fire, etc.

(41) "Identification card" means the document identifying the bearer as eligible to receive and use food stamps.

(42) "Inadvertent household error overissuance" means any overissuance caused by either:

(a) Misunderstanding or unintended error by a household:

(i) Not determined categorically eligible under WAC 388-49-180(1); or

(ii) Determined categorically eligible under WAC 388-49-180(1) if a claim can be calculated based on a change in net food stamp income and/or household size; or

(b) Social Security Administration action or failure to take action which resulted in the household's categorical eligibility, if a claim can be calculated based on a change in net food stamp income and/or household size.

(43) "Ineligible household member" means the member excluded from the food stamp household because of:

(a) Disqualification for intentional program violation;

(b) Failure to apply for or provide a Social Security number;

(c) Failure to comply with work requirements as described under WAC 388-49-360;

(d) Status as an ineligible alien; or

(e) Failure to sign the application attesting to the member's citizenship or alien status.

(44) "Institution" means any place of residence (private or public) providing maintenance and meals for two or more persons.

(45) "Institution of higher education" means any institution normally requiring a high school diploma or equivalency certificate for enrollment. This includes any two-year or four-year college. Also included is any course in a trade or vocational school that normally requires a high school diploma or equivalency for admittance to the course.

(46) "Intentional program violation(~~(," after August 8, 1983,))~~" means intentionally:

(a) Making a false or misleading statement;

(b) Misrepresenting, concealing, or withholding facts; or

(c) Committing any act constituting a violation of the Food Stamp Act, the food stamp program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or FCAs.

~~(Intentional program violation which ended before August 8, 1983, consists of any action by a person or persons to knowingly, willfully, and with deceitful intent:~~

~~(a) Make a false statement to the department, either orally or in writing, to obtain benefits to which the household is not entitled;~~

~~(b) Conceal information to obtain benefits to which the household is not entitled;~~

~~(c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;~~

~~(d) Use coupons to buy expensive or conspicuous nonfood items;~~

~~(e) Use or possess improperly obtained coupons or authorization cards; and~~

~~(f) Trade or sell coupons or authorization cards.)~~

(47) "Intentional program violation overissuance" means any overissuance caused by an intentional program violation.

(48) "Live-in attendant" means a person residing with a household to provide medical, housekeeping, child care, or other similar personal services.

(49) "Lump sum" means money received in the form of a nonrecurring payment including, but not limited to:

(a) Income tax refunds,

(b) Rebates,

(c) Retroactive payments, and

(d) Insurance settlements.

(50) "Mandatory fees" means those fees charged to all students within a certain curriculum. Transportation, supplies, and textbook expenses are not uniformly charged to all students and are not considered as mandatory fees.

(51) "Migrant farmworker" means a person working in seasonal agricultural employment who is required to be absent overnight from the person's permanent residence.

(52) "Net income eligibility standard" means the federal income poverty level for the forty-eight contiguous states.

(53) "Nonhousehold member" means a person who is not considered a member of the food stamp household such as a:

- (a) Roomer;
- (b) Live-in attendant;
- (c) Ineligible student; or

(d) Person who does not purchase and prepare meals with the food stamp household except for persons described under WAC 388-49-190(2).

(54) "Nonstriker" means any person:

(a) Exempt from work registration the day before the strike for reasons other than their employment;

(b) Unable to work as a result of other striking employees, e.g., truck driver not working because striking newspaper pressmen not printing output;

(c) Not part of the bargaining unit on strike but not wanting to cross picket line due to fear of personal injury or death; or

(d) Unable to work because workplace is closed to employees by employer in order to resist demands of employees, e.g., a lockout.

(55) "Offset" means reduce restored benefits by any overissue (claim) owed by the household to the department.

(56) "Overissuance" means the amount of coupons issued to a household in excess of the amount eligible to receive.

(57) "Overpayment" means the same as "overissuance" and shall be the preferred term used in procedures.

(58) "Payment month" means the third month of the budget cycle; the month in which the food stamp allotment is affected by information reported on the monthly report for the budget month.

(59) "Period of intended use" means the period for which an FCA or food coupon is intended to be used.

(60) "Post secondary education" means a school not requiring a high school diploma or equivalency for enrollment. This includes trade school, vocational schools, business colleges, beauty schools, barber schools, etc.

(61) "Principal wage earner" means the household member with the greatest source of earned income in the two months prior to the month of violation of employment and training and voluntary quit provisions, including members not required to register.

(62) "Process month" means the second month of the monthly reporting cycle; the month in which the monthly report is to be returned by the household to the local office.

(63) "Project area" means the county or similar political subdivision designated by the state as the administrative unit for program operations.

(64) "Prospective budgeting" means the computation of a household's income based on income received or anticipated income the household and department are reasonably certain will be received during the month of issuance.

(65) "Prospective eligibility" means the determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

(66) "Quality control review" means a review of a statistically valid sample of cases to determine the accuracy

of budgeting, issuance, denial, withdrawal, and termination actions taken by the department.

(67) "Quality control review period" means the twelve-month period from October 1 of each calendar year through September 30 of the following calendar year.

(68) "Recent work history" means receipt of earned income in one of the two months prior to the payment month.

(69) "Recertification" means approval of continuing benefits based on an application submitted prior to the end of the current certification period.

(70) "Resident of an institution" means a person residing in an institution that provides the person with the majority of meals as part of the institution's normal service.

(71) "Retrospective budgeting" means the computation of a household's income for a payment month based on actual income received in the corresponding budget month of the monthly reporting cycle.

(72) "Retrospective eligibility" means the determination of eligibility based on retrospective budgeting rules and other circumstances existing in the budget month.

(73) "Roomer" means a person to whom a household furnishes lodging, but not meals, for compensation.

(74) "Seasonal farmworker" means a person working in seasonal agricultural employment who is not required to be absent overnight from the person's permanent residence.

(75) "Shelter costs" means:

(a) Rent or mortgage payments plus taxes on a dwelling and property;

(b) Insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated;

(c) Assessments;

(d) Utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, and sewage disposal;

(e) Standard basic telephone allowance;

(f) Initial installation fees for utility services; and

(g) Continuing charges leading to shelter ownership such as loan repayments for the purchase of a mobile home including interest on such payments.

(76) "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children.

(77) "Sibling" means a natural or an adopted brother, sister, half brother, half sister, or stepbrother or stepsister.

(78) "Sponsor" means a person who executed an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's admission into the United States as a permanent resident.

(79) "Sponsored alien" means an alien lawfully admitted for permanent residence who has an affidavit of support or similar agreement executed by a person on behalf of the alien as a condition of the alien's admission into the United States as a permanent resident.

(80) "Spouse" means:

(a) Married under applicable state law; or

(b) Living with another person and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

(81) "Striker" means any person:

(a) Involved in a strike or concerted stoppage of work by employees including stoppage due to expiration of a collective bargaining agreement; or

(b) Involved in any concerted slowdown or other concerted interruption of operations by employees.

(82) "Student" means any person:

(a) At least eighteen but less than fifty years of age;

(b) Physically and mentally fit for employment; and

(c) Enrolled at least half time in an institution of higher education.

(83) "Systematic alien verification for entitlements (SAVE)" means the immigration and naturalization service (INS) program whereby the department may verify the validity of documents provided by aliens applying for food stamp benefits by obtaining information from a central data file.

(84) "Temporary disability" means a nonpermanent physical illness or injury that incapacitates beyond the initial issuance month.

(85) "Thrifty food plan" means the diet required to feed a family of four as determined by the United States Department of Agriculture. The cost of the diet is the basis for all allotments, taking into account the household size adjustments based on a scale.

(86) "Under parental control" means living with any adult other than the parent. A person is not under parental control when that person is:

(a) Receiving an AFDC grant as the person's own payee;

(b) Receiving, as the person's own payee, gross income equal to, or exceeding, the AFDC grant payment standard as described under WAC 388-250-1400(2);

(c) Married and living with a spouse; or

(d) Living with the person's own child.

(87) "Vehicle" means any device for carrying or conveying persons and objects, including travel by land, water, or air.

(88) "Vendor payment" means money payments not owed or payable directly to a household, but paid to a third party for a household expense, such as:

(a) A payment made in money on behalf of a household whenever another person or organization makes a direct payment to either the household's creditors or a person or organization providing a service to the household; or

(b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development or by state or local housing authorities.

(89) "Verification" means the use of documentation or third-party information to establish the accuracy of statements on the application. Sources of verification shall be documentary evidence, collateral contacts, or a home visit.

AMENDATORY SECTION (Amending Order 3810, filed 11/23/94, effective 1/1/95)

WAC 388-49-640 Overissuances. (1) The department shall establish claims and take collection action against households and household members for administrative error, inadvertent household error, or intentional program violation resulting in overissuances except as provided in subsections (3), (10), and (11) of this section.

(2) The department shall establish an overissuance claim against any household:

(a) Receiving more food stamp benefits than it was entitled to receive; or

(b) Containing an adult member who was an adult member of another household receiving more benefits than it was entitled to receive.

(3) The department shall not establish an administrative error claim or an inadvertent household error claim if an overissuance occurred because:

(a) The department failed to ensure the household:

(i) Signed the application form;

(ii) Completed a current work registration form; or

(iii) Was certified in the correct project area.

(b) The household transacted an expired food coupon authorization (FCA) unless the household had altered the FCA.

(4) The department shall hold all persons who were adult members of the household at the time of the overissuance jointly and severally liable for the overissuance.

(a) The department shall establish an overissuance claim and pursue collection action against any or all of these persons.

(b) If the household composition changes, the department may establish an overissuance claim and pursue collection action against any household containing a person who was an adult member of the household receiving the overissuance.

(5) The department shall not collect more than the amount of the overissuance.

(6) The department shall not establish an:

(a) Administrative error overissuance unless the department has:

(i) Discovered the overissuance within twelve months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(b) Inadvertent household error overissuance unless the department has:

(i) Discovered the overissuance within twenty-four months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(c) Intentional program violation overissuance unless the department has:

(i) Discovered the overissuance within seventy-two months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(7) Except as provided in subsection ~~((8))~~ (9) of this section, the ~~((amount of))~~ department shall determine the overissuance ~~((shall))~~ amount to be the difference between:

(a) The ~~((monthly))~~ allotment actually authorized; and

(b) The ~~((monthly))~~ allotment ~~((the household))~~ that should have been authorized.

(8) When determining the monthly allotment the household should have been authorized, the department shall:

(a) Count the actual income received by the household;

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~~(b) Not apply the twenty percent earned income deduction((a)) to that portion of earned income ((which the household intentionally failed to report;~~

~~(b) When the department has determined that the household committed)) willfully or fraudulently unreported by the household member when committing an intentional program violation.~~

(9) The amount of the household's and/or household member's liability for an overissuance shall be the difference between:

- (a) The amount of the overissuance; and
- (b) Any lost benefits not previously restored or used as an offset.

(10) The department shall initiate collection action on all inadvertent household or administrative error claims unless:

- (a) The claim is collected through offset;
- (b) The administrative error claim is less than one hundred dollars;
- (c) The inadvertent household error claim is less than thirty-five dollars;
- (d) The department cannot locate the liable household;

or
(e) The department determines collection action will prejudice an inadvertent household error claim case referred for possible prosecution or administrative disqualification.

(11) The department shall initiate collection action against the liable household whose member is found to have committed an intentional program violation unless:

- (a) The household has repaid the overissuance;
- (b) The department cannot locate the household; or
- (c) The department determines collection action will prejudice the case against a household member referred for prosecution.

(12) The department shall initiate collection action by providing the household a demand letter.

(13) A household or household member may repay an overissuance ~~((except as provided in subsections (14) through (18) of this section))~~ by:

- (a) A lump sum;
- (b) Regular installments under a payment schedule agreed to by the household or household member and the department; and/or
- (c) Allotment reduction((s)).

~~(14) ((When the allotment reduction is the method of collection, the department shall reduce a currently participating household's allotment to repay an:~~

- ~~(a) Inadvertent household error overissuance by the greater of:~~
 - ~~(i) Ten percent of the household's monthly allotment; or~~
 - ~~(ii) Ten dollars per month.~~
- ~~(b) Intentional program violation overissuance by the greater of:~~
 - ~~(i) Twenty percent of the household's monthly entitlement; or~~
 - ~~(ii) Ten dollars per month.~~
- ~~(c) Administrative error overissuance by the amount agreed to by the household.)~~

The department shall ensure a negotiated monthly installment amount is not less than the amount which could be recovered through allotment reduction when a currently participating household is liable for an

inadvertent household error or an intentional program violation.

(15) A household member and/or the department may request the payment schedule be renegotiated.

~~(16) ((The department shall ensure the negotiated monthly installment amount is not less than the amount which could be recovered through allotment reduction when:~~

~~(a) A current participating household is liable for an inadvertent household error or an intentional program violation; and~~

~~(b) An installment payment schedule is the method of collection.)~~ When allotment reduction is the method of collection, the department shall reduce a currently participating household's allotment to repay an:

(a) Inadvertent household error overissuance by the greater of:

- (i) Ten percent of the household's monthly allotment; or
- (ii) Ten dollars per month.

(b) Intentional program violation overissuance by the greater of:

(i) Twenty percent of the household's monthly entitlement; or

(ii) Ten dollars per month.

(c) Administrative error overissuance by the amount agreed to by the household.

(17) The department shall reduce the allotment to repay an inadvertent household error or an intentional program violation ~~((overissuance without additional notice if, after notification of failure to make payment in accordance with a repayment schedule, the household member fails to:~~

- ~~(a) Make the overdue payments; or~~
- ~~(b) Request renegotiation of the payment schedule.~~

~~(18) The department shall reduce the household's allotment if:~~

~~(a) The household member fails to respond to the demand letter:~~

~~(i) Within ten days of the date the inadvertent household error overissuance notice is mailed; or~~

~~(ii) Upon receipt of the intentional program violation overissuance notice or the next business day if received on a nonbusiness day.~~

~~(b) The household is liable for an inadvertent household error or an intentional program violation claim:~~

~~(19)) claim when:~~

(a) A household is liable for an inadvertent household error claim and fails to notify the department of their chosen repayment agreement or request a fair hearing and continued benefits within twenty days after receipt of the demand letter; or

(b) A household is liable for an intentional program violation claim and fails to inform the department of their chosen repayment agreement within ten days after receiving the demand letter; or

(c) After notification of failure to make payment according to a negotiated repayment schedule, the household member fails to:

- (i) Make the overdue payments; or
- (ii) Request renegotiation of the payment schedule.

(18) The department shall suspend collection action when:

(a) Collection action has not been initiated as provided in subsection (10) of this section;

- (b) A liable household member cannot be located; or
- (c) The cost of further collection action is likely to exceed the amount that can be recovered.

~~((20))~~ (19) The department may accept offers of compromise for overissuances when:

(a) The department has already established the account receivable for the overissuance and taken steps to recover the overissuance; and

(b) The amount offered approximates the net amount expected to be collected prior to the expiration of the collection period allowed by statute.

~~((21))~~ (20) The department shall write-off amounts from its account receivable records and release any applicable liens prior to the expiration of the collection period allowed by statute when there is:

- (a) No further possibility of collection;
- (b) An account receivable balance after payment of an accepted offer of compromise; or
- (c) An account receivable balance after a claim has been in suspense for three consecutive years, as provided in subsection (19) of this section.

~~((22))~~ (21) The department may initiate collection action to satisfy a food stamp overissuance which occurred in another state when the department:

- (a) Determines that the originating state does not intend to pursue collection in Washington state; and
- (b) Receives the following from the originating state:
 - (i) Documentation of the overissuance computation;
 - (ii) Overissuance notice prepared for the client; and
 - (iii) Proof of service that the client received the overissuance notice.

AMENDATORY SECTION (Amending Order 3397, filed 5/29/92, effective 7/1/92)

WAC 388-49-660 Intentional program violations—Administrative disqualification hearings. Administrative disqualification hearings are governed by chapter 388-08 WAC and this section. If a provision in this section conflicts with a provision in chapter 388-08 WAC, the provision in this section controls.

(1) The department shall refer ~~((an individual))~~ a person who has no prior intentional program violation but who is suspected of committing an intentional program violation for an administrative disqualification hearing when:

- (a) The overissuance caused by the suspected intentional program violation is four hundred fifty dollars or more; and
- (b) At the time of referral, the ~~((individual))~~ person resides:

- (i) In Washington state; or
- (ii) Outside Washington but within one hour's reasonable drive to a community services office; and
- (c) The department determines that administrative proceedings will not jeopardize criminal prosecution.

(2) The department shall refer ~~((an individual))~~ a person who has committed one or more intentional program violations and who is suspected of committing another intentional program violation when:

- (a) The act of suspected intentional program violation occurred:

(i) After the department mailed the administrative decision disqualifying the ~~((individual))~~ person for the most recent intentional program violation; or

(ii) After entry of the order in criminal proceedings that caused the ~~((individual))~~ person to be disqualified for the most recent intentional program violation; and

(b) At the time of referral, the ~~((individual))~~ person resides:

- (i) In Washington state; or
- (ii) Outside Washington but within one hour's reasonable drive to a community services office; and
- (c) The department determines that administrative proceedings will not jeopardize criminal prosecution.

(3) The department shall:

(a) Give thirty days or more advance notice of the hearing date to the person alleged to have committed an intentional program violation as defined in WAC 388-49-020; and

(b) Obtain proof of receipt of the notice.

(4) The notice of hearing shall comply with WAC 10-08-040 and contain the following information:

- (a) The allegations;
- (b) A summary of the department's evidence;
- (c) A statement of how and where interested parties may examine the evidence;

(d) A statement that if the person or a representative fails without good cause to appear at the hearing, the administrative law judge and the review judge will make a decision based solely on the evidence and argument the department presents;

(e) A statement that the person has ten days from the date of the scheduled hearing to file a request with the administrative law judge:

- (i) Showing good cause for failure to appear; and
- (ii) Seeking a new hearing; and

(f) A statement that if a telephone hearing is scheduled, the person may request an in-person hearing by filing a request with the administrative law judge one week or more prior to the date of the hearing.

(5) The person or a representative shall have the right to one continuance of up to thirty days provided a request is filed ten days or more prior to the hearing date.

(6) The department shall conduct the hearing without the person or a representative if either person fails to appear at the hearing without good cause.

(a) The administrative law judge and the review judge shall base the decision solely on the evidence and argument the department presents.

(b) The person has ten days from the date of the scheduled hearing to file a request with the administrative law judge:

- (i) Showing good cause for failure to appear; and
- (ii) Requesting the hearing be reinstated.

(7) The administrative law judge shall grant a request to change a scheduled telephone hearing to an in-person hearing if the person or representative:

(a) Files the request one week or more before the date the hearing is scheduled; or

(b) Files the request one week or less before the date the hearing is scheduled if the person shows good cause for having the hearing conducted in person.

(8) The administrative law judge shall advise the person or representative they may refuse to answer questions during the hearing.

(9) The department shall bear the burden of proof for demonstrating intentional program violation with clear and convincing evidence.

(10) The department shall follow the decision-rendering in ~~((WAC 388-08-406))~~ chapter 388-08 WAC.

(11) The department shall make a final decision and notify the household member of the decision within ninety days of the date the ~~((individual))~~ person receives the notice of hearing.

(12) The department may combine an overissuance fair hearing and an administrative disqualification hearing into a single hearing when the facts alleged for each arise out of the same or related circumstances. When combined:

(a) The department shall apply the hearing procedures and time frames ~~((shall be those))~~ applicable to an administrative disqualification hearing;

(b) The household loses its right to a subsequent fair hearing on the overissuance; and

(c) The department shall give prior notice to:

(i) The person alleged to have committed the intentional program violation; and

(ii) The person alleged to be liable for the overissuance.

(13) The department shall stay implementing a disqualification and continue benefits at the level preceding such disqualification when the client timely:

(a) Requests reinstatement of an administrative disqualification hearing for failure to appear; or

(b) Files a petition for review or petition for reconsideration to overturn a disqualification order.

AMENDATORY SECTION (Amending Order 3758, filed 7/27/94, effective 8/27/94)

WAC 388-49-670 Intentional program violations—Disqualification penalties. (1) The department shall disqualify the person or persons committing an intentional program violation ~~((, but not the entire household,))~~ as defined in WAC 388-49-020.

(2) The department shall apply the following disqualification penalties ~~((as follows))~~ to a person committing an intentional program violation for offenses not related to those described in subsection (3) of this section:

~~((a))~~ ~~((If the violation occurred in whole or in part after the household was notified of the following penalties, the department shall apply the following disqualification periods:~~

~~((i))~~ Six months for the first disqualification;

~~((ii))~~ (b) Twelve months for the second disqualification; and

~~((iii))~~ (c) Permanently for the third disqualification.

~~((b))~~ The department shall disqualify the person or persons for three months:

~~((i))~~ If the violation ended before the department notified the household of the penalties in subsection (2)(a) of this section; and

~~((ii))~~ If the department determined the disqualification in an administrative hearing)

(3) The department shall apply disqualification penalties against a person for trading or receiving food coupons for

controlled substances or firearms. The department shall impose:

(a) A one-year disqualification penalty for a first conviction by a federal, state, or local court of the trading or receiving of food coupons for a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(b) A permanent disqualification for:

(i) The second conviction by a federal, state, or local court of the trading or receiving of food coupons for a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) The first conviction by a federal, state, or local court of the trading or receiving of food coupons for firearms, ammunition, or explosives.

~~((c))~~ (4) The department shall consider multiple violations as only one disqualification when the violations occur before the department notified the household of the penalties, as described in subsection (2)(a) of this section.

~~((d))~~ Court ordered disqualifications are for the length of time specified by the court.)

(5) When a court of law convicts a person of an offense which qualifies as an intentional program violation, the department shall:

(i) Recommend that a disqualification penalty, as provided in subsection (2)~~((a))~~ or (3) of this section, be imposed in addition to any civil or criminal intentional program violation penalties;

(ii) Impose a disqualification period as specified in subsection (2) or (3) of this section if the court fails to address disqualification or specify a disqualification period;

(iii) Initiate the disqualification period for the currently eligible person or persons within forty-five days of the date the:

(A) Disqualification is ordered if the court does not specify a date; or

(B) Court finds such person or persons guilty if the court specifies a disqualification date(~~-~~

~~((iii))~~ Impose a disqualification period as specified in subsection (2)(a) of this section if the court fails to address or specify a disqualification period); and

(iv) Not initiate or continue an intentional program violation disqualification period contrary to a court order.

~~((3))~~ (6) The department shall provide written notice of disqualification to the person or persons before the disqualification. The department shall ensure the notice informs the:

(a) Participating person or persons of the disqualification and the effective date of the disqualification; or

(b) Nonparticipating person or persons that the disqualification period will be deferred until such time as the person or persons applies for and is found eligible for benefits.

~~((4))~~ (7) The department shall provide written notice to the remaining household member or members, if any:

(a) Of the allotment the household will receive during the period of disqualification; or

(b) That the household must re-apply because the certification period has expired.

~~((5))~~ (8) The department shall recognize an intentional program violation determined in another state or political jurisdiction.

~~((6) The department shall apply disqualification penalties against a person for trading food coupons for controlled substances or firearms. The department shall impose:~~

~~(a) A one year disqualification penalty for the first occasion of a finding by a federal, state, or local court of the trading of food coupons for a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or~~

~~(b) A permanent disqualification for:~~

~~(i) The second occasion of a finding by a federal, state, or local court of the trading of food coupons for a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or~~

~~(ii) The first occasion of a finding by a federal, state, or local court of the trading of food coupons for firearms, ammunition, or explosives.))~~

**WSR 95-19-014
PERMANENT RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES**

[Filed September 7, 1995, 10:35 a.m.]

Date of Adoption: September 7, 1995.

Purpose: To implement RCW 39.19.030(4) and encourage Minority and Women's Business Enterprises participation in state contracting and procurement.

Citation of Existing Rules Affected by this Order: Amending WAC 326-30-041 Annual goals.

Statutory Authority for Adoption: RCW 39.19.030(7).
Adopted under notice filed as WSR 95-16-027 on July 21, 1995.

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.
September 7, 1995
James A. Medina
Director

AMENDATORY SECTION (Amending WSR 95-10-086, filed 5/3/95, effective 6/3/95)

WAC 326-30-041 Annual goals. The annual overall goals for participation by certified firms in the public works, other contracting, and procurement of each state agency and

educational institution, subject to this chapter, shall be as follows:

July 1, ~~((1994))~~ 1995, through June 30, ~~((1995))~~ 1996,

Construction/Public Works	10% MBE	6% WBE
Architect/Engineering	10% MBE	6% WBE
Purchased Goods ((and Services))	8% MBE	4% WBE
<u>Purchased Services</u>	<u>10% MBE</u>	<u>4% WBE</u>
((Other Consultants))		
<u>Professional Services</u>	10% MBE	4% WBE

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 326-30-03904 Goals for 1991-92.

**WSR 95-19-017
PERMANENT RULES
DEPARTMENT OF HEALTH**
[Filed September 7, 1995, 2:20 p.m.]

Date of Adoption: August 4, 1995.

Purpose: Correction of language to reflect recent legislative changes[,] incorporate department policy, define student supervisors.

Citation of Existing Rules Affected by this Order: Amending WAC 246-828-040, 246-828-070, 246-828-080, 246-828-090, 246-828-100, 246-828-120, 246-828-300, 246-828-320, 246-828-360, 246-828-370, 246-828-400, 246-828-410, 246-828-530, 246-828-550, 246-828-560, and 246-828-990.

Statutory Authority for Adoption: RCW 18.35.161 (1) and (3).

Adopted under notice filed as WSR 95-11-111 on May 23, 1995.

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 1, 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 16, 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 2, amended 16, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
August 4, 1995
James E. Pannette
Board Chair

PERMANENT

AMENDATORY SECTION (Amending Order 165B, filed 5/8/91, effective 6/8/91)

WAC 246-828-040 Examination review and appeal procedures. (1) Each applicant who ~~((is administered))~~ takes the examination for licensure and does not pass any part of the examination ~~((will))~~ shall be provided information indicating the area of the examination in which the applicant was deficient with the notice of the examination results.

(2) Any applicant who does not pass a part of the examination may request an informal review by the ~~((council))~~ board of his or her examination results. This request must be in writing and must be received by the department within thirty days of the postmark of the notice of examination results.

(3) The procedure for the informal review is as follows:

(a) An applicant submitting a written request for an informal review by the deadline described in subsection (2) of this section ~~((will))~~ shall be contacted by the department to arrange an appointment to appear personally in the Olympia office to review the part or parts of the examination failed.

(b) The applicant ~~((will))~~ shall be provided a form to complete in the Olympia office in defense of examination answers and/or examination performance.

(c) The applicant ~~((will))~~ shall be identified only by applicant number for the purpose of this procedure. Letters of reference or requests for special consideration ~~((will))~~ shall not be read or considered by the ~~((council))~~ board.

(d) That applicant may bring textbooks or published material for use in completing the informal review, but such material must be retained by the Olympia office until the ~~((council))~~ board has completed the informal review request submitted by the applicant.

(e) The applicant ~~((will))~~ shall not be allowed to take any notes or materials from the office upon leaving.

(f) The information submitted to the ~~((council))~~ board for its consideration in the informal review must state the specific reason or reasons why the results of the examination should be changed. The ~~((council will))~~ board shall not modify examination results unless the applicant can prove or show conclusive evidence of error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The ~~((council will))~~ board shall not consider a challenge to the examination unless the total revised score including the questions or sections to be reviewed could result in a passing score in the examination.

(g) The ~~((council will))~~ board shall schedule a closed session meeting to conduct the informal review of the material submitted by the applicant.

(h) The applicant ~~((will))~~ shall be notified in writing of the results of the informal review.

(4) Any applicant who is not satisfied with the result of the examination review may request that a formal hearing be held before the ~~((council))~~ board pursuant to the Administrative Procedure Act. Such a hearing request must be received by the department within thirty days of postmark of the notification of the result of the ~~((council's))~~ board's informal review of the applicant's examination results. The request must be in writing and must state the specific reasons why the results of the examination should be changed. The ~~((council will))~~ board shall not modify examination results

unless the applicant can prove or show conclusive evidence of error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The ~~((council will))~~ board shall not consider a challenge to the examination unless the total revised score including the questions or sections to be reconsidered could result in a passing score in the examination.

(5) The hearing ~~((will))~~ shall not be scheduled until the applicant and the state's attorney have appeared before an administrative law judge for a prehearing conference to consider the following:

(a) The simplification of issues;

(b) The necessity of amendments to the notice of specific reasons for the examination result modification;

(c) The possibility of obtaining stipulations, admission of facts and documents;

(d) The limitation of the number of expert witnesses;

(e) A schedule for completion of all discovery; and,

(f) Such other matters as may aid in the disposition of the proceeding.

(6) The administrative law judge shall enter an order which recites the actions taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(7) Applicants ~~((will))~~ shall receive at least twenty days notice of the time and place of the formal hearing. The hearing ~~((will))~~ shall be restricted to the specific reasons the applicant has identified as the basis for a change in the examination score.

AMENDATORY SECTION (Amending WSR 94-11-108, filed 5/18/94, effective 6/18/94)

WAC 246-828-070 Trainees—Minimum standards of training. (1) The sponsor shall provide training in the following areas during the direct supervision period:

(a) Basic physics of sound;

(b) The human hearing mechanism, including the science of hearing and the causes and rehabilitation of abnormal hearing and hearing disorders;

(c) Structure and function of hearing aids;

(d) Pure tone audiometry, including air conduction testing and bone conduction testing;

(e) Live voice or recorded voice speech audiometry, including speech reception, threshold testing, ~~((MCL, VCL))~~ most comfortable level, uncomfortable level, and speech discrimination testing;

(f) Effective masking;

(g) Recording and evaluation of audiograms and speech audiometry to determine hearing aid candidacy;

(h) Selection and adaptation of hearing aids and testing of hearing aids;

(i) Taking ear mold impressions;

(j) Otoscopy;

(k) Evidence of knowledge regarding the medical and rehabilitation facilities that are available for children and adults in the area served;

(l) Evidence of knowledge of grounds for revocation or suspension of license under the provisions of this chapter;

(m) Fitting verification and post-fitting follow-up.

(2) Completion of the above training and competency of the trainee to perform such duties shall be documented by initial of both trainee and sponsor on a form provided by the department. The completed training verification form shall be submitted to the department upon completion of the direct supervision period. Failure to maintain a training log or to verify training to the department shall be a violation of this chapter and may subject the sponsor to disciplinary action by the board.

(3) Trainees who have met one of the following are exempt from the minimum standards of training requirement. Documentation of the exemption shall be certified by the sponsor and submitted on a form provided by the department.

(a) Successful completion of the National Institute for Hearing Instruments Studies (NIHIS) Basic Course for Independent Study;

(b) Documentation that the trainee is either licensed in audiology in another state, or certified as an audiologist by the American Speech and Hearing Association, or holds a masters degree in audiology;

(c) Certification by the sponsor that the trainee has received the required minimum training from a previous sponsor.

(d) Successful completion of a vocational training program approved by the board.

NEW SECTION

WAC 246-828-075 Student supervisors—Scope and definitions. (1) Students enrolled in an accredited education or training program may perform the duties of a hearing aid fitter dispenser in the course of their training if under the supervision of a Washington state licensed hearing aid fitter dispenser. Supervision shall mean that the licensee is physically present on the premises at all times.

(2) An accredited education or training program shall be defined as any course of study in the field of fitting and dispensing hearing aids that is offered by a school or program recognized by the state of Washington.

(3) The student shall at all times wear an identification badge readily visible to the public which identifies him or her as a student.

(4) The licensed supervisor shall be responsible for all acts of the student.

AMENDATORY SECTION (Amending Order 165B, filed 5/8/91, effective 6/8/91)

WAC 246-828-080 Minimum standards of equipment. Minimum equipment in the fitting and dispensing of hearing aids shall include:

(1) Access to a selection of hearing aid models, and hearing aid supplies and services sufficiently complete to accommodate the various user needs.

(2) Facilities for the personal comfort of customers.

(3) A test environment with background noise no greater than American National Standards Institute specifications (S3.1-1960 (R-1971)) plus 15 dB.

(4) Pure tone audiometer calibrated in accordance with WAC ((308-50-120)) 246-828-090.

(5) Equipment appropriate for conducting speech audiometry (testing).

AMENDATORY SECTION (Amending Order 165B, filed 5/8/91, effective 6/8/91)

WAC 246-828-090 Standards for equipment calibration. All electronic equipment utilized by licensees for the determination of audiometric thresholds for pure tones and for speech shall conform to all current standards of the American National Standards Institute ((~~at present, ANSI S3.6—1969~~)). Licensees shall insure that all such audiometric equipment has been evaluated electrically and acoustically at least once each year, adjusted or repaired if necessary, and that conformity with such standards was determined at that time. Records of such calibration shall be permanently maintained by licensees and shall be available for inspection at any time by the department. No licensee shall be permitted to certify as to the calibration of his own equipment unless authorized to do so by the department. In addition, all licensees shall utilize routine procedures for the daily inspection of audiometric equipment, or prior to use if used less often than on a daily basis, to generally determine that it is in normal working order.

AMENDATORY SECTION (Amending Order 165B, filed 5/8/91, effective 6/8/91)

WAC 246-828-100 Minimal standards of practice. Minimum procedures in the fitting and dispensing of hearing aids shall include:

(1) Obtain case history to include the following:

(a) As required by WAC ((308-50-320)) 246-828-280, documentation of referrals, or as otherwise required by this chapter.

(b) Historical evaluation to include inquiry regarding hearing loss, onset of loss, and any associated symptoms including significant noise in the ears, vertigo, acute or chronic dizziness, nausea, earaches, or other such discomfort which may indicate the presence of medical illness. Specific inquiry should be made to determine if hearing loss has been sudden or rapidly progressive in the past ninety days, if there has been any active drainage or infection in ears during the past ninety days, and if there are any specific physical problems which may relate to the use of a hearing aid.

(2) Examination of the ears should be done to reasonably determine if any of the following conditions exist:

(a) Impacted ear wax.

(b) Foreign body within the ear canal.

(c) Discharge in the ear canal.

(d) Presence of inflammation or irritation of the ear canal.

(e) Perforation of the ear drum.

(f) Any other abnormality.

(3) Hearing testing shall be performed to include the following:

(a) Hearing loss, or residual hearing, shall be established for each ear using puretone threshold audiometry by air and bone conduction with effective masking as required.

(b) Appropriate live voice or recorded speech audiometry by ear phones to determine the following: Speech reception threshold, most comfortable level, uncomfortable level, and the speech discrimination percent.

(c) Hearing testing shall be conducted in the appropriate environment as required by WAC (~~(308-50-110)~~) 246-828-080, minimum standards of equipment, or as otherwise required by this chapter.

(d) When puretone audiometry indicates an air-bone gap of 15db or more, 500, 1000, and 2000 Hz, the presence of unilateral hearing loss, or any inconsistent audiometric findings, the client shall be advised of the potential help available through medical treatment. Should the client decline to consider such methods, or if the client has previously been appropriately treated or has been advised against such procedures, an appropriate notation shall be made in the client's record.

(e) In the event a client is referred to a licensee by an M.A. audiologist, otologist, otolaryngologist, or by a fitter/dispenser duly licensed under chapter 18.35 RCW, and the audiometric results obtained within the previous six months are provided to the licensee as a part of this referral, the applicable provisions of WAC (~~(308-50-130)~~) 246-828-100 shall not be required. However, a confirmatory audiometric examination is recommended.

(4) Medical evaluation requirements:

(a) If the prospective hearing aid user is eighteen years of age or older, the hearing aid dispenser may afford the prospective user an opportunity to waive the medical evaluation requirements of (b) of this subsection provided that the hearing aid dispenser:

(i) Informs the prospective user that the exercise of the waiver is not in the user's best health interest;

(ii) Does not in any way actively encourage the prospective user to waive such a medical evaluation;

(iii) Affords the prospective user the opportunity to sign the following statement:

I have been advised by (hearing aid fitter/dispenser name) that the Food and Drug Administration has determined that my best health interest would be served if I had a medical evaluation before purchasing a hearing aid; and

(iv) Provides the prospective user with a copy of the signed waiver statement.

(b) Except as provided in (a) of this subsection, a hearing aid dispenser shall not sell a hearing aid unless the prospective user has presented to the hearing aid dispenser a written statement signed by a licensed physician that states that the patient's hearing loss has been medically evaluated and the patient may be considered a candidate for a hearing aid. The medical evaluation must have taken place within the preceding six months.

(5) Selection and fitting of the hearing aid shall include the following:

(a) Provide information regarding the selection of the most appropriate method and model for amplification for the needs of the client.

(b) Provide the user with the cost of the recommended aids and services.

(c) Provide for or have available an appropriate custom made ear mold.

(d) Provide final fitting of the hearing aid to ensure physical and operational comfort.

(e) Provide adequate instructions and appropriate post-fitting adjustments to ensure the most successful use of the hearing aid.

(6) Keeping records on every client to whom the licensee renders service in connection with the dispensing of a hearing aid. Such records shall be preserved for at least three years after the dispensing of the first hearing aid to the client. If other hearing aids are subsequently dispensed to that client, cumulative records must be maintained for at least three years after the latest dispensing of an aid to that client. The records must be available for the department inspection and will include:

(a) Client's case history.

(b) Source of referral and appropriate documents.

(c) Medical clearance for the hearing aid user or the waiver set forth in subsection (4)(a)(iii) of this section which has been signed after being fully informed that it is in the best health interest to seek medical evaluation.

(d) Copies of any contracts and receipts executed in connection with the fitting and dispensing of each hearing aid provided.

(e) A complete record of tests, test results, and services provided except for minor services.

(f) All correspondence specifically related to the service given the client or the hearing aid or aids dispensed to the client.

AMENDATORY SECTION (Amending Order 165B, filed 5/8/91, effective 6/8/91)

WAC 246-828-120 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Misrepresenting products, services, personnel or material facts. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to misrepresent:

(1) The grade, quality, quantity, origin, novelty, price, cost, terms of sale, use, construction, size, composition, dimensions, type, design, development, visibility, durability, performance, fit, appearance, efficacy, benefits, cost of operation, resistance to climatic conditions, or physiological benefits of any hearing aid or the psychological well-being induced by a hearing aid;

(2) Any service or adjustment offered, promised, or to be supplied to purchasers of any hearing aid;

(3) Any material fact pertaining to the manufacture, distribution or marketing of any hearing aid; or

(4) The scientific or technical knowledge, training, experience or other qualifications of a licensee, or of his employees, relating to the selection, fitting, adjustment, maintenance or repair of industry products;

(5) Misrepresent shall mean making misleading, deceiving, improbable or untruthful representations or in any other material respect, the character, extent or type of his/her business except as provided in WAC (~~(308-50-170)~~) 246-828-140.

(6) The reparability, including the cost thereof, or the adequacy of a prospective purchaser's own hearing aid(s) or ancillary equipment.

NEW SECTION

WAC 246-828-295 Inactive status license. An inactive license shall be issued to a currently licensed fitter and dispenser at the time of his or her annual renewal upon the department's receipt of the licensee's written request and payment of the inactive license fee. An inactive license may be returned to active status upon written request of the licensee in accordance with RCW 18.35.095. An inactive license shall be renewed annually on the licensee's birthdate by submitting to the department the inactive status fee.

AMENDATORY SECTION (Amending Order 165B, filed 5/8/91, effective 6/8/91)

WAC 246-828-300 (~~Renewal of license~~) Licensure renewal, late penalty, reexamination required. (~~The annual license renewal date for hearing aid fitters and dispensers is the licensee's birthdate. Individuals making application for examination and initial license, provided they meet all such requirements, will be issued a license to expire on their next birth anniversary date.~~) (1) A license shall be renewed annually on or before the licensee's birthdate. An initial license shall expire on the licensee's next birthdate. Unless otherwise specified in statute, the secretary may prorate the renewal fee based on 1/12 of the annual renewal fee for each full calendar month between the initial issue date and the next anniversary of the applicant's birthdate.

(2) A licensee may renew his/her license at the annual renewal rate, for one year. Any renewal that is postmarked or presented to the department after midnight on the expiration date is late, and subject to a late renewal penalty fee.

(3) Failure to timely renew a license shall invalidate the license and all privileges granted by the license. Any licensee subject to the Uniform Disciplinary Act who submits a late renewal which is postmarked or presented to the department more than thirty days after its expiration date, shall be subject to investigation for unprofessional conduct in accordance with RCW 18.130.180(7) for unlicensed practice.

(4) Late renewal penalty fees, reinstatement of licensure. A license holder who fails to renew his or her license on or before its expiration date may be issued a license to practice during the first three years that the license has been allowed to lapse. The licensee shall remit to the department a completed reinstatement application, late penalty fee, all back annual renewal fees, and proof of completion of the continuing education requirement for the time the license was lapsed. Late renewal penalty fees shall be based on the following formula:

<u>If the annual renewal</u>	<u>The late renewal penalty fee is:</u>
<u>From \$1 to \$50</u>	<u>100% of the renewal fee</u>
<u>From \$51 to \$100</u>	<u>\$50 flat fee</u>
<u>\$101 or more</u>	<u>50% of the renewal fee,</u> <u>but no more than \$300</u>

(5) If a licensee has allowed his or her license to lapse for more than three years the licensee shall, before the

license may be reinstated to active status, satisfactorily complete all portions of the licensing examination and pay the applicable examination and licensing fees.

AMENDATORY SECTION (Amending Order 165B, filed 5/8/91, effective 6/8/91)

WAC 246-828-320 Minimum standards for fitting and dispensing locations. (1) The hours of business of each hearing aid establishment shall be prominently and continuously displayed and visible to the public at each regular place or places of business owned or operated by that establishment.

(2) All such regular place or places of business or any activities emanating therefrom shall meet the minimum standards for facilities and equipment essential for the testing of hearing and the fitting and dispensing of hearing aids as set forth in WAC ((308-50-110)) 246-828-080.

(3) The term "place or places of business" means a location where a licensee engages or intends to engage in the fitting and dispensing of hearing aids at a permanent address(es) open to the public on a regular basis.

AMENDATORY SECTION (Amending Order 165B, filed 5/8/91, effective 6/8/91)

WAC 246-828-360 Procedure for declaratory ruling. (1) In accord with RCW ((34-04-080)) 34.05.240, on petition of any interested person, the ((~~council~~)) board may issue a declaratory ruling with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by it.

(2) Such interested person shall submit the petition for declaratory ruling in written form to the ((~~council's~~)) board's departmental staff.

(3) The petition shall set forth, at a minimum, the following:

- (a) The name of the person(s) seeking the ruling,
- (b) The person's or persons' interest in the subject matter of the petition,
- (c) The rule or statute at issue,
- (d) A concise statement of the facts at issue, and
- (e) A statement by the petitioner that he or she understands that he or she waives any possible objections to the ((~~council's~~)) board's fitness to hear the same matter as a disciplinary case should the ((~~council~~)) board decline to issue a declaratory ruling or should the ((~~council~~)) board issue a ruling contrary to the petitioner(s) argument and the facts otherwise warrant prosecution.

(4) The ((~~council~~)) board shall make the preliminary decision whether or not to accept the petition at the first meeting subsequent to the department's receipt of the request or as soon thereafter as reasonably possible.

(5) If the ((~~council~~)) board accepts the petition, the matter may be referred to committee, but shall ultimately be decided by a quorum of the ((~~council~~)) board.

(6) The party or parties to the petition may request leave to present argument which may or may not be heard at the discretion of the ((~~council~~)) board.

(7) The ruling shall be binding, pursuant to RCW ((34-04-080)) 34.05.240, if issued after argument and stated to be binding between the ((~~council~~)) board and the petitioner.

PERMANENT

AMENDATORY SECTION (Amending Order 165B, filed 5/8/91, effective 6/8/91)

WAC 246-828-370 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that 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.

(2) Application for licensure. Effective July 1, 1989, persons who submit an application for a license to fit/dispose hearing aids or who submit an application for a trainee permit shall submit, prior to being granted a license and in addition to the other requirements for licensure, evidence to show compliance with the educational requirements of subsection (4) of this section.

(3) Renewal of licenses. Effective with the renewal period beginning July 1, 1989, and ending June 30, 1990, all persons making application of licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4) of this section.

(4) AIDS education and training.

(a) Acceptable education and training. The ~~((council))~~ board will accept education and training that is consistent with the topical outline available from the office on AIDS. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective July 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection ~~((a))~~.

(c) Documentation. The licensee or applicant for licensure shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

AMENDATORY SECTION (Amending Order 341B, filed 3/5/93, effective 4/5/93)

WAC 246-828-400 Temporary practice permits—Scope and purpose. The temporary practice permit is established to enable safe, qualified, and trained hearing aid fitter dispensers who are currently licensed in another state as defined in WAC 246-828-410 to work in the state of Washington prior to completing the examinations adminis-

tered by the ~~((hearing aid council))~~ board. All licensing requirements established for obtaining a fitter dispenser license ~~((will need to))~~ shall be completed as part of the application for a temporary practice permit.

AMENDATORY SECTION (Amending Order 341B, filed 3/5/93, effective 4/5/93)

WAC 246-828-410 Definitions. For the purpose of issuing temporary practice permits the following definitions shall apply:

(1) "Licensed in another state" means the applicant holds a current valid license, registration, or certification to practice the fitting and dispensing of hearing aids in another state and is in good standing.

(2) "Substantially equivalent" means the applicant has successfully completed an examination administered by or authorized by a state other than Washington state. The examination shall measure basic knowledge of the fitting and dispensing of hearing aids and comply with the requirements as listed in RCW 18.35.070 and WAC 246-828-020, as determined by the ~~((council))~~ board.

AMENDATORY SECTION (Amending Order 342B, filed 3/5/93, effective 4/5/93)

WAC 246-828-530 Exceptions. The following is an exception from the continuing education requirements. Upon a showing of good cause by a licensee to the secretary, the secretary, with advice from the ~~((council))~~ board, may exempt such licensee from any, all, or part of the continuing education requirement. Good cause includes, but is not limited to, severe illness.

AMENDATORY SECTION (Amending Order 342B, filed 3/5/93, effective 4/5/93)

WAC 246-828-550 Programs approved by the ~~((council))~~ board on fitting and dispensing of hearing aids. Completion of the following are deemed to qualify an individual for continuing education credit:

(1) Attendance at a continuing education program having a featured speaker(s) or panel which has been approved by an industry-recognized local, state, national, or international organization.

(2) Participation as a speaker or panel member in a continuing education program which has been approved by an industry-recognized local, state, national, or international organization. A maximum of two hours of such participation may be applied towards the total ten hours required.

(3) Completion as a student, of a written, video, or audio continuing education program which has been approved by an industry-recognized local, state, national, or international organization. Only such programs which have accompanying required tests of comprehension upon completion and are independently graded shall be accepted.

AMENDATORY SECTION (Amending Order 342B, filed 3/5/93, effective 4/5/93)

WAC 246-828-560 Certification of compliance. (1) In conjunction with the application for renewal of licensure at the end of each one-year period as provided for in WAC 246-828-520, each licensee shall submit an affidavit of

compliance on a form supplied by the secretary indicating the ten hours of continuing education completed by the licensee in the previous twelve months.

(2) The secretary, with recommendations of the ~~((council))~~ board, reserves the right to require any licensee to submit evidence, e.g., course or program certificate of training, transcript, evidence of attendance, etc., in addition to the affidavit form in order to demonstrate compliance with the continuing education requirement. It is, therefore, the responsibility of each licensee to maintain records, certificates, or other evidence of compliance with the continuing education requirements.

AMENDATORY SECTION (Amending WSR 94-08-038, filed 3/31/94, effective 5/1/94)

WAC 246-828-990 Hearing aid fitter/dispenser fees. The following fees shall be charged by the ~~((professional licensing [division] [services]))~~ health professions quality assurance division of the department of health:

Title of Fee	Fee
Trainee:	
Initial application	\$200.00
Trainee transfer of sponsor—Within fifteen days	50.00
Trainee transfer of sponsor—Over fifteen days	100.00
Extension of trainee license	100.00
Fitter/dispenser:	
Examination or reexamination (full)	(((\$))) 350.00
Partial reexamination	200.00
Initial license	175.00
Renewal	340.00
Late renewal penalty	272.00
Duplicate license	15.00
Certification	15.00
Temporary practice permit	175.00
Inactive Status <u>and renewal</u>	175.00

WSR 95-19-018

PERMANENT RULES

INSURANCE COMMISSIONER'S OFFICE

[Order 95-4—Filed September 8, 1995, 8:47 a.m.]

Date of Adoption: September 8, 1995.

Purpose: To establish minimum standards for agreements for life and disability reinsurance, as a prerequisite to allowing the reinsurance to be reflected on the company's financial statement; required for NAIC accreditation.

Statutory Authority for Adoption: RCW 48.02.060, 48.05.250, 48.05.400.

Adopted under notice filed as WSR 95-16-029 on July 21, 1995.

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 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.

September 8, 1995

G. W. Taylor

Deputy Commissioner

NEW SECTION

WAC 284-13-850 Scope. (1) The insurance commissioner recognizes that licensed insurers routinely enter into reinsurance agreements that yield legitimate relief to the ceding insurer from strain to surplus. It is improper, however, for an authorized insurer, in the capacity of ceding insurer, to enter into reinsurance agreements for the principal purpose of producing significant surplus aid for the ceding insurer, typically on a temporary basis, while not transferring all of the significant risks inherent in the business being reinsured. In substance or effect, the expected potential liability to the ceding insurer remains basically unchanged by the reinsurance transaction, notwithstanding certain risk elements in the reinsurance agreement, such as catastrophic mortality or extraordinary survival.

(2) This regulation (WAC 284-13-850 through 284-13-863) applies to all domestic life and disability insurers and to all other licensed life and disability insurers which are not subject to a similar regulation in their domiciliary state. This regulation also applies to the disability insurance policies issued by authorized property and casualty insurers. This regulation does not apply to assumption reinsurance, yearly renewable term reinsurance or nonproportional reinsurance (such as stop loss or catastrophe reinsurance).

NEW SECTION

WAC 284-13-855 Accounting requirements. (1) No insurer subject to this regulation shall, for reinsurance ceded, reduce any liability or establish any asset in any financial statement filed with the commissioner if, by the terms of the reinsurance agreement, in substance or effect, one or more of the following conditions exist:

(a) Renewal expense allowances provided or to be provided to the ceding insurer by the reinsurer in any accounting period, are not sufficient to cover anticipated allocable renewal expenses of the ceding insurer on the portion of the business reinsured, unless a liability is established for the present value of the shortfall (using assumptions equal to the applicable statutory reserve basis on the business reinsured). Such expenses include commissions, premium taxes and direct expenses including, but not limited to billing, valuation, claims, and maintenance expected by the company at the time the business is reinsured.

(b) The ceding insurer can be deprived of surplus or assets at the reinsurer's option or automatically upon the occurrence of some event, such as the insolvency of the ceding insurer, except that termination of the reinsurance

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agreement by the reinsurer for nonpayment of reinsurance premiums or other amounts due, such as modified coinsurance reserve adjustments, interest and adjustments on funds withheld, and tax reimbursements, shall not be considered to be such a deprivation of surplus or assets.

(c) The ceding insurer is required to reimburse the reinsurer for negative experience under the reinsurance agreement, except that neither offsetting experience refunds against current and prior years' losses under the agreement nor payment by the ceding insurer of an amount equal to the current and prior years' losses under the agreement upon voluntary termination of in force reinsurance by the ceding insurer shall be considered such a reimbursement to the reinsurer for negative experience. Voluntary termination does not include situations where termination occurs because of unreasonable provisions which allow the reinsurer to reduce its risk under the agreement. An example of such a provision is the right of the reinsurer to increase reinsurance premiums or risk and expense charges to excessive levels forcing the ceding company to prematurely terminate the reinsurance treaty.

(d) The ceding insurer must, at specific points in time scheduled in the agreement, terminate or automatically recapture all or part of the reinsurance ceded.

(e) The reinsurance agreement involves the possible payment by the ceding insurer to the reinsurer of amounts other than from income realized from the reinsured policies. For example, it is improper for a ceding company to pay reinsurance premiums or other fees or charges to a reinsurer which are greater than the direct premiums collected by the ceding company.

(f) The treaty does not transfer all of the significant risk inherent in the business being reinsured. The following table identifies, for a representative sampling of the products or type of business, the risks which are considered to be significant. For products not specifically included, the risks determined to be significant shall be consistent with this table.

Risk categories:

(i) Morbidity.
 (ii) Mortality.
 (iii) Lapse. This is the risk that a policy will voluntarily terminate prior to the recoupment of a statutory surplus strain experienced at issue of the policy.

(iv) Credit Quality (C1). This is the risk that invested assets supporting the reinsured business will decrease in value. The main hazards are that assets will default or that there will be a decrease in earning power. It excludes market value declines due to changes in interest rate.

(v) Reinvestment (C3). This is the risk that interest rates will fall and funds reinvested (coupon payments or moneys received upon asset maturity or call) will therefore earn less than expected. If asset durations are less than liability durations, the mismatch will increase.

(vi) Disintermediation (C3). This is the risk that interest rates rise and policy loans and surrenders increase or maturing contracts do not renew at anticipated rates of renewal. If asset durations are greater than the liability durations, the mismatch will increase. Policyholders will move their funds into new products offering higher rates. The company may have to sell assets at a loss to provide for these withdrawals.

+ - Significant 0 - Insignificant

RISK CATEGORY

	i	ii	iii	iv	v	vi
Disability - other than LTC/LTD*	+	0	+	0	0	0
Disability - LTC/LTD*	+	0	+	+	+	0
Immediate Annuities	0	+	0	+	+	0
Single Premium Deferred Annuities	0	0	+	+	+	+
Flexible Premium Deferred Annuities	0	0	+	+	+	+
Guaranteed Interest Contracts	0	0	0	+	+	+
Other Annuity Deposit Business	0	0	+	+	+	+
Single Premium Whole Life	0	+	+	+	+	+
Traditional Non-Par Permanent	0	+	+	+	+	+
Traditional Non-Par Term	0	+	+	0	0	0
Traditional Par Permanent	0	+	+	+	+	+
Traditional Par Term	0	+	+	0	0	0
Adjustable Premium Permanent	0	+	+	+	+	+
Indeterminate Premium Permanent	0	+	+	+	+	+
Universal Life Flexible Premium	0	+	+	+	+	+
Universal Life Fixed Premium	0	+	+	+	+	+
Universal Life Fixed Premium dump-in premiums allowed	0	+	+	+	+	+

*LTC = Long Term Care Insurance
 LTD = Long Term Disability Insurance

(g)(i) The credit quality, reinvestment, or disintermediation risk is significant for the business reinsured and the ceding company does not (other than for the classes of business excepted in subsection (1)(g)(ii) of this section) either transfer the underlying assets to the reinsurer or legally segregate such assets in a trust or escrow account or otherwise establish a mechanism satisfactory to the commissioner which legally segregates, by contract or contract provision, the underlying assets.

(ii) Notwithstanding (g)(i) of this subsection, the assets supporting the reserves for the following classes of business and any classes of business which do not have a significant credit quality, reinvestment, or disintermediation risk may be held by the ceding company without segregation of such assets:

- Disability Insurance - LTC/LTD
- Traditional Non-Par Permanent
- Traditional Par Permanent
- Adjustable Premium Permanent
- Indeterminate Premium Permanent
- Universal Life Fixed Premium (no dump-in premiums allowed)

The associated formula for determining the reserve interest rate adjustment must use a formula which reflects the ceding company's investment earnings and incorporates all realized and unrealized gains and losses reflected in the statutory statement. The following is an acceptable formula:

$$\text{Rate} = \frac{2(I + CG)}{X + Y - I - CG}$$

- Where: I is net investment income (Exhibit 2, Line 16, Column 7)
 CG is capital gains less capital losses (Exhibit 4, Line 10, Column 6)
 X is the current year cash and invested assets (Page 2, Line 10A, Column 1) plus investment income due and accrued (Page 2, Line 16, Column 1) less borrowed money (Page 3, Line 22, Column 1)
 Y is the same as X but for the prior year

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(iii) Line references are for the commissioner's 1992 annual statement form.

(h) Settlements are made less frequently than quarterly or payments due from the reinsurer are not made in cash within ninety days of the settlement date.

(i) The ceding insurer is required to make representations or warranties not reasonably related to the business being reinsured.

(j) The ceding insurer is required to make representations or warranties about future performance of the business being reinsured.

(k) The reinsurance agreement is entered into for the principal purpose of producing significant surplus aid for the ceding insurer, typically on a temporary basis, while not transferring all of the significant risks inherent in the business reinsured and, in substance or effect, the expected potential liability to the ceding insurer remains basically unchanged.

(2) Notwithstanding subsection (1) of this section, an insurer subject to this regulation may, with the prior approval of the commissioner, take such reserve credit or establish such asset, including actuarial interpretations or standards adopted by the commissioner.

(3)(a) Every agreement entered into after the effective date of this regulation which involves the reinsurance of business issued prior to the effective date of the agreement, along with any subsequent amendments thereto, shall be filed by the ceding company with the commissioner within thirty days after its date of execution. Each filing shall include data detailing the financial impact of the transaction. The ceding insurer's actuary who signs the financial statement actuarial opinion with respect to valuation of reserves shall consider this regulation and any applicable actuarial standards of practice when determining the proper credit in financial statements filed with the commissioner. The actuary shall maintain adequate documentation and be prepared to describe the actuarial work performed for inclusion in the financial statements and to demonstrate that such work conforms to this regulation.

(b) Any increase in surplus net of federal income tax resulting from arrangements described in (a) of this subsection shall be identified separately on the insurer's statutory financial statement as a surplus item (aggregate write-ins for gains and losses in surplus in the capital and surplus account, page 4 of the annual statement) and recognition of the surplus increase as income shall be reflected on a net of tax basis in the "reinsurance ceded" line, page 4 of the annual statement as earnings emerge from the business reinsured.

For example: On the last day of calendar year N, company XYZ pays a \$20 million initial commission and expense allowance to company ABC for reinsuring an existing block of business. Assuming a 34% tax rate, the net increase in surplus at inception is \$13.2 million (\$20 million - \$6.8 million) which is reported on the "aggregate write-ins for gains and losses in surplus" line in the capital and surplus account. \$6.8 million (34% of \$20 million) is reported as income on the "commissions and expense allowances on reinsurance ceded" line of the summary of operations. At the end of year N+1 the business has earned \$4 million. ABC has paid \$.5 million in profit and risk charges in arrears for the year and has received a \$1 million experience refund. Company ABC's annual statement would

report \$1.65 million (66% of (\$4 million - \$1 million - \$.5 million) up to a maximum of \$13.2 million) on the "commissions and expense allowances on reinsurance ceded" line of the summary of operations, and - \$1.65 million on the "aggregate write-ins for gains and losses in surplus" line of the capital and surplus account. The experience refund would be reported separately as a miscellaneous income item in the summary of operations.

NEW SECTION

WAC 284-13-860 Written agreements. (1) No reinsurance agreement or amendment to any agreement may be used to reduce any liability or to establish any asset in any financial statement filed with the commissioner, unless the agreement, amendment, or a binding letter of intent has been executed by both parties no later than the "as of date" of the financial statement.

(2) In the case of a letter of intent, a reinsurance agreement or an amendment to a reinsurance agreement must be executed within a reasonable period of time, not exceeding ninety days from the execution date of the letter of intent, in order for credit to be granted for the reinsurance ceded.

(3) The reinsurance agreement shall contain provisions which provide that:

(a) The agreement shall constitute the entire agreement between the parties with respect to the business being reinsured thereunder and that there are no understandings between the parties other than as expressed in the agreement; and

(b) Any change or modification to the agreement shall be null and void unless made by amendment to the agreement and signed by the parties.

NEW SECTION

WAC 284-13-863 Existing agreements. Insurers subject to this regulation shall reduce to zero by December 31, 1996, any reserve credits or assets established with respect to reinsurance agreements entered into prior to the effective date of this regulation which under the provisions of this regulation would not be entitled to recognition of the reserve credits or assets; provided however that: The reinsurance agreements are in compliance with laws or regulations in existence immediately preceding the effective date of this regulation.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-13-110	Purpose.
WAC 284-13-120	Scope.
WAC 284-13-130	Accounting requirements.
WAC 284-13-140	Written agreements.
WAC 284-13-150	Existing agreements.

WSR 95-19-025
PERMANENT RULES
HIGHER EDUCATION
FACILITIES AUTHORITY
 [Filed September 11, 1995, 8:05 a.m.]

Date of Adoption: September 11, 1995.

Purpose: To improve public accessibility to authority meetings; to clarify and streamline administrative procedures; to eliminate redundancy.

Citation of Existing Rules Affected by this Order: Amending WAC 253-02-050, 253-16-010, 253-16-030, 253-16-090, and 253-16-100.

Statutory Authority for Adoption: RCW 28B.07.040.

Pursuant to notice filed as WSR 95-12-072 on June 6, 1995.

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

September 11, 1995

Kim Herman

Executive Director

AMENDATORY SECTION (Amending Order 3, filed 11/27/84)

WAC 253-02-050 Operations and procedures. (1) Uniform procedure rules: Practice and procedure in and before the authority are governed by the uniform procedural rules codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, which rules the authority adopts as its own, subject to any additional rules the authority may add from time to time. The authority reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the authority, said determination to be in accordance with the spirit and intent of the law.

(2) Authority meetings: The meetings of the authority shall all be "regular" or "special meetings" as those designations are applied in chapter 42.30 RCW. They may be called at any time and place by the chairman or a majority of the members of the authority. Notice of all special meetings shall be given by delivering personally or by mail to each member a written notice specifying the time and place of the meeting and a copy of the agenda prepared by the executive director in consultation with the chairman, and by giving such notice to the public as may be required by law. If an emergency is deemed to exist, the chairman may shorten the notice period to not less than twenty-four hours. An executive session may be called by the chairman or by a majority of all members of the authority to consider the appointment, employment or dismissal of an officer or employee, and such other matters as are permitted by RCW 42.30.110.

(3) Quorum: Four members shall constitute a quorum, and the act of a majority of the members present at any meeting, if there is a quorum, shall be deemed the act of the authority except as specified hereafter in subsection (7) of this section.

(4) Chairperson's or secretary's voting rights: The chairperson or the chairperson's designee and the secretary shall have the right to vote on all matters before the authority, just as any other authority member.

(5) Minutes of meetings: Minutes shall be kept of the proceedings of the authority.

(6) Rules of order: The authority shall generally follow *Robert's Rules of Order*, newly revised, in conducting its business meetings.

(7) Form of authority action: The authority may act on the basis of a motion except when authorizing issuance of bonds pursuant to WAC 253-16-070 and when otherwise taking official and formal action with respect to the creation of special funds and the issuance and sale of bonds for a project of a participant, in which case the authority shall act by resolution. Such resolutions shall be adopted upon the affirmative vote of a majority of the members of the authority and shall be signed by a majority of the members of the authority. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting. All bonds and coupons shall bear either the manual or the facsimile signatures of the governor and executive director.

(8) Public participation (~~in the meetings of the authority shall be as follows:~~

~~(a) Any person or organization wishing to make a formal presentation at a scheduled meeting of the authority shall so notify the executive director in writing at least seventeen days prior to the time of the meeting. The authority or executive director may waive the seventeen day notice period in the event the proposed presentation is of critical importance to the operation of the authority.~~

~~(i) Such notification shall contain the name of the person, association, corporation or organization that desires to make a presentation; the address of such person and, if applicable, the address of the entity to be represented in the presentation; and the topic to be presented or discussed.~~

~~(ii) Permission to make a presentation to the authority shall be granted by the executive director as authorized by the authority.~~

~~(iii) Confirmation of permission to make a presentation to the authority shall be made, if at all possible, by the authority staff prior to the meeting of the authority and shall include the date and time of the meeting and time set for the formal presentation.~~

~~(b) The presiding officer of the authority shall have the discretion to recognize anyone in the audience who indicates in writing at the time of the meeting a desire to speak at such meeting, provided that remarks by any individual person shall be limited to five minutes unless a time extension is granted by the presiding officer). The presiding officer may grant permission to any person or organization to make a presentation at any of the authority's public meetings. The presiding officer may limit any remarks addressed to the authority.~~

AMENDATORY SECTION (Amending Order 3, filed 11/27/84)

WAC 253-16-010 Purpose. The purpose of this chapter shall be to ~~(set forth the procedures pursuant to which the authority determines those higher education institutions to which the authority will give financial assistance)~~ establish fees for the authority's operations and to set forth procedures relating to the financing process and the designation of underwriters and bond counsel.

AMENDATORY SECTION (Amending Order 3, filed 11/27/84)

WAC 253-16-030 Applications for financial assistance. ((Because the needs of higher education institutions in the state vary substantially, no application forms shall be provided by the authority. However, an applicant should furnish the following information to the authority, where applicable, with its request for financial assistance, and such other information as is deemed pertinent by the applicant or the executive director of the authority:

- (1) Identification of applicant:
 - (a) Legal name and address of applicant;
 - (b) Names, titles, and telephone numbers of chief executive officer, chief financial officer, and person assigned responsibility for liaison with the authority;
 - (c) Names, addresses, and telephone numbers of applicant's legal counsel, outside accounting firm, and financial consultant or investment banking firm (if any);
 - (d) Description of applicant's legal structure (e.g., private nonprofit corporation). Describe type and ownership of stock, if any; how assets held and by whom; and attach copy of articles of incorporation or similar documentation;
 - (e) Copy of IRS determination of 501(c)(3) status;
 - (f) Accreditation status and name and address of accrediting body.
- (2) Project for which financial assistance is sought (if applicable):
 - (a) Amount and requested terms of repayment for financing sought;
 - (b) Description of project to be accomplished with authority financial assistance;
 - (c) Current status of planning for project and dates proposed for (i) completion of drawings for project, if necessary (attach copies if completed); (ii) filing of environmental impact statement, if necessary; (iii) entry into construction contract; and (iv) completion or occupancy;
 - (d) Cost of project (including simple breakdown of costs of general construction, site work, utilities, equipment, land acquisition, architects' and other fees, contingency, interim interest, other);
 - (e) Sources of funds for payment of project costs and dates of expected receipt (assistance from authority, interim financing, grants, funds on hand, interest and profit on interim investment of construction funds, other);
 - (f) Amount of projected revenues to be derived from project, the sources of such revenues, when expected to begin, and a three-year projection;
 - (g) Feasibility studies on project, if any (attach copy if one has been completed);
 - (h) Proposed security for authority issued bonds;
 - (i) Contracts or preliminary arrangements with planners, architects, consultants, investment banking firm, if any, regarding project.
- (3) Debt to be refinanced with authority assistance (if applicable):
 - (a) Amount, date, maturity or maturities, interest rate or rates, prepayment penalties, if any, debt service and form of applicant's existing debt to be refinanced;
 - (b) Source of revenue for payment of existing debt, security for debt and rating, if any, assigned to debt instruments at time of debt issuance;

- (e) Holder of debt (if ascertainable);
 - (d) Any negative debt service payment history;
 - (e) Proposed security for new authority issued debt;
 - (f) Proposed date schedule for accomplishing debt refinancing.
- (4) Finances of applicant:
 - (a) Audited (if audited) financial statements for past three years;
 - (b) Latest current financial statement;
 - (c) Current year's budget of revenues, expenses and capital expenditures;
 - (d) Projection of revenues, expenses, capital expenditures for next three five years, including revenues and expenses of proposed project (if applicable);
 - (e) Description of long term debts of applicant, if not already given above, including date incurred, by whom held, debt service schedule, interest rate, form of debt, source of revenues for repayment, security for repayment;
 - (f) Sources of institution revenues (tuition, grants, etc.) and approximate dollar volumes and percentages of total revenues for each source in last three years.
 - (5) Student populations:
 - (a) Fall FTE enrollment for each of the preceding three years as well as projections for each of the next three to five years;
 - (b) Number of freshmen and transfer students who have registered at the institution in each of the preceding three years as well as projections for each of the next three to five years;
 - (c) Number of applications completed for admission as a freshman or transfer student in each of the past three years.
 - (6) General:
 - (a) Pending or threatened litigation or administrative actions with potential of material adverse effect on applicant;
 - (b) Brief description of existing institution facilities and location of such facilities;
 - (c) Brief description of institution expansion plans, if any, in next ten years;
 - (d) Estimate of aggregate savings over the life of the proposed financing to be realized by applicant through authority financing by tax exempt bonds as compared to financing through taxable obligations. Specify interest assumptions on which savings calculations based;
 - (e) Other information the authority or the applicant deem necessary and important.) Authority staff will notify applicants of what information they should provide. Applicants who have questions about the application process should contact authority staff.

AMENDATORY SECTION (Amending WSR 95-01-007, filed 12/8/94, effective 1/8/95)

WAC 253-16-090 Selection of investment banking firms as underwriters. (1) The authority shall create and maintain a roster of underwriters who the authority believes possess the requisite special expertise and professional standing to provide bond marketing services which would be accepted by bondholders and other members of the financial community, and which would be in furtherance of the public interest in marketing the authority's bonds at the lowest possible costs in Washington state as well as nationally.

(2) Any underwriter may apply to have its name placed on the roster. Each underwriter placed on the roster must be able to demonstrate current competence and experience in the structuring and sale of higher educational facility bond financing. In addition the underwriter must meet the following minimum standards:

(a) The firm must have a minimum equity capital of five million dollars; and

(b) The firm must currently possess the competence and ability to underwrite a higher education facility bond issue by demonstrating, among other things, that the firm or its key underwriting personnel have either managed or comanaged two higher educational facility bond issues within the last three calendar years; or

(c) The firm has served as a credit facility for a higher education facility within the past three years; or

(d) The firm meets other criteria as the authority may adopt from time to time which establish a firm's ability to prepare for issuance, underwrite and market bonds to be issued by the authority.

(3)(a) Whenever the authority decides that it needs the services of an underwriter, it shall provide all underwriters on the roster with a notice of its intentions and shall invite each of them to submit to the authority an itemization of its fees and other charges for providing underwriting services on the issue. The authority shall have wide discretion in selecting the underwriter it considers to be most appropriate to provide the services, but in the exercise of this discretion the authority shall consider the underwriter's fees and other charges and the public interest in achieving issuance of bonds on terms most favorable to the authority.

(b) The applicant may, at its option, exercise the notice and selection procedures regarding underwriters set forth in (a) of this subsection. In such circumstances the applicant shall supply the authority with written verification that it has complied with the provisions of (a) of this subsection and the applicant shall obtain the authority's prior approval of the actual selection of the underwriter.

(4)(a) To provide balanced management knowledge and sale distribution and to assure the most realistic bond terms and interest, the authority reserves the right to name investment banking firms as comanagers of any authority bond issue(s) ~~((The authority will not name an investment banking firm or firms as a comanaging underwriter or comanaging underwriters on bond issues of less than ten million dollars unless the authority determines that special circumstances so require. On each issue aggregating more than ten million dollars the authority may name a comanager or comanagers. On each issue aggregating more than twenty million dollars the authority may name two or more comanagers. The authority will also review and approve the division of the management fee in each instance where a comanager is named. While the authority will actually select the comanagers, it will consider recommendations from the applicant as to the selection of any comanager or comanagers. In each instance, the applicant will be given a written notification fifteen days prior to the authority's actual designation of an investment banking firm or firms as a comanager on a particular bond issue.~~

~~(b) For purposes of selecting comanagers on any bond issues, the authority shall maintain a roster of qualified comanagers for higher education facility bond issues. Any~~

~~underwriter may, at any time, apply to the authority to have the underwriter's name placed on the roster or removed from the roster. Any underwriter qualified as a senior manager pursuant to subsection (2) of this section will also be placed on the roster of comanagers. The authority may, from time to time, request updated proposals for underwriter services from firms on the comanager roster. When the authority determines the need to retain comanagers, it shall select comanagers from the roster, with the advice of the applicant, the financial advisor, and the senior underwriter on the particular issue. In selecting a comanager, the authority shall consider each of the following factors:~~

~~(i) The underwriter's success in structuring and/or marketing higher education bond issues;~~

~~(ii) Underwriter's familiarity with higher education bond issues;~~

~~(iii) The underwriter's fee schedule for services;~~

~~(iv) The underwriter's regional and/or national reputation with respect to financial and underwriting services and ability to market bonds nationally and regionally as well as in Washington;~~

~~(v) Other qualifications which the authority may establish from time to time which indicate the firm's ability to act as a comanager on an authority bond issue.~~

~~(5) All compensation of the senior and comanaging underwriters, members of any underwriting syndicate, and placement agents shall be contingent upon the successful issuance and payment for the obligations and shall be paid from the proceeds of the sale or through the underwriting spread. The amount of the compensation for all such parties shall be determined by the authority, after considering the recommendations of the participant) in the same manner that a senior manager is selected.~~

~~((6)) (5) For private placements the applicants may select a firm as placement agent for its proposed financing, subject to review and approval by the authority. In every instance, the placement agent selected must be able to demonstrate a familiarity with, and competence and experience in, the structuring and sale of higher education facility bonds. The applicant shall notify the authority in writing of its proposed placement agent selection fifteen days prior to the date it intends to enter into a formal contractual agreement. The authority will notify the applicant of its acceptance or rejection of the applicant's placement agent selection no later than ten days after receipt of the applicant's notification. If rejected, the authority will set forth the reasons for rejection, and the applicant will then propose another placement agent subject to authority approval in the same manner. The authority shall, in its discretion, make the final determination whether an issue is a private placement.~~

AMENDATORY SECTION (Amending Order 1, filed 12/12/86)

WAC 253-16-100 Selection of bond counsel. The authority will establish a roster of bond counsels whom the authority believes possess the requisite special expertise and professional standing to provide bond counsel opinions which would be accepted by the underwriters, bond holders, rating agencies and other members of the financial community, and which would be in furtherance of the public interest

in obtaining the lowest possible interest rates on bonds issued by the authority.

~~(The authority will notify bond counsel firms that the authority is establishing an initial roster by publishing a notice in a publication commonly circulated among bond counsels, by sending notice to each of the bond counsel firms listed in the Washington state section of the Red Book (Bond Buyers' Directory of Municipal Bond Dealers of the United States—1984 spring edition) and notifying the Washington State Bar Association. Interested firms will be requested to submit their qualifications for listing on the authority's initial roster, together with its proposal for serving as bond counsel, including a determination as to whether the firm believes that a test suit is necessary as a prerequisite to the issuance of any bonds.~~

~~The authority will upon receipt of these submissions establish an initial roster of bond counsel whom the authority believes possess the requisite special expertise and professional standing to provide bond counsel opinions.~~

~~Any firm or attorney wishing to be considered for the initial roster or added to the roster shall provide the background, expertise, professional standing and a listing of approving bond counsel opinions previously written to the authority for its consideration in adding the firm's or attorney's name to the roster of bond counsel.)~~

Law firms or attorneys may submit to the authority at any time the request to be included on the roster of approved bond counsel.

~~((Before beginning the selection process for bond counsel from the approved roster, the authority will give notice of its intention to select bond counsel. Each firm or attorney listed on the approved roster will be asked to submit a proposal, including a fee schedule for providing bond counsel services if such proposal and fee schedule would be different from that previously submitted to the authority for establishing the approved roster. The authority when making the initial selection will review the submissions, determine the relative expertise of those who wish to be selected, and will review the fee schedule and whether the firm believes that a test case or litigation is necessary prior to the issuance of the bonds. The authority has wide discretion in selecting the attorney or attorneys or bond firm it considers to be most appropriate to provide the services, but in exercise of this discretion the authority shall consider all submitted fee schedules and the public interest in achieving the issuance of bonds on terms most favorable to the authority.))~~

At least once every two calendar years, the authority shall select anew an attorney or attorneys to serve as bond counsel. However, the authority may retain an attorney for longer than two years when necessary to complete work on a particular bond issue. An attorney previously selected may be selected again, but the authority will provide other attorneys or bond counsel on the roster with an opportunity to be selected prior to this action being taken. The authority also reserves the right to appoint bond counsel with respect to only a particular bond issue or issues.

WSR 95-19-028

PERMANENT RULES

INSURANCE COMMISSIONER'S OFFICE

[Order R 95-5—Filed September 11, 1995, 2:05 p.m.]

Date of Adoption: September 11, 1995.

Purpose: These long-term care regulations set minimum standards for benefit-triggers; unintentional lapses of policies; modification of policies in case of state or federal health care reform that duplicates policy benefits; provide the policyholder the right to reduce benefits; clarify WAC 284-54-270; and update the disclosure form.

Citation of Existing Rules Affected by this Order: Amending WAC 284-54-020, 284-54-030, 284-54-270, 284-54-300, and 284-54-350.

Statutory Authority for Adoption: RCW 48.02.060, 48.84.030, 48.84.050.

Adopted under notice filed as WSR 95-15-082 on July 18, 1995.

Changes Other than Editing from Proposed to Adopted Version: WAC 284-54-040 was changed extensively to track a more-recent version of the NAIC model on ADLs; WAC 284-54-170 was withdrawn for future consideration; and WAC 284-54-253 was changed to follow the NAIC section on unintended lapses.

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 5, 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.

September 11, 1995

Krishna Fells
Chief Deputy

AMENDATORY SECTION (Amending Order R 94-10, filed 7/6/94, effective 8/6/94)

WAC 284-54-020 Definitions of terms used in this chapter and chapter 48.84 RCW. For purposes of the administration of chapter 48.84 RCW and this chapter:

(1) "Community based care" means services ~~((provided outside an institutional setting and includes))~~ including, but ~~((is))~~ not limited to ~~((, the following))~~: (a) Home delivered nursing services or therapy; (b) custodial or personal care; (c) day care; (d) home and chore aid services; (e) nutritional services, both in-home and in a communal dining setting; ~~((and))~~ (f) respite care ~~((, whether provided at any level from skilled care to custodial or personal care));~~ (g) adult day health care services; or (h) other similar services furnished in a home-like or residential setting that does not provide

overnight care. Such services shall be provided at all levels of care, from skilled care to custodial or personal care.

(2) "Contract" means a long-term care insurance policy or contract, regardless of the kind of insurer issuing it, unless the context clearly indicates otherwise.

(3) "Direct response insurer" means an insurer who, as to a particular contract, is transacting insurance directly with a potential insured without solicitation by, or the intervention of, a licensed insurance agent.

(4) A "gatekeeper provision" is any provision in a contract establishing a threshold requirement which must be satisfied before a covered person is eligible to receive benefits promised by the contract. Examples of such provisions include, but are not limited to the following: A three-day prior hospitalization requirement, recommendations of the attending physician, and recommendations of a case manager.

(5) "Institutional care" means care provided in a hospital, skilled or intermediate nursing home, (~~congregate care facility, adult family home,~~) or other facility certified or licensed by the state primarily affording diagnostic, preventive, therapeutic, rehabilitative, maintenance or personal care services. Such a facility provides twenty-four-hour nursing services on its premises or in facilities available to the institution on a formal prearranged basis.

(6) "Insured" shall mean any beneficiary or owner of a long-term care contract regardless of the type of insurer.

(7) "Insurer" includes insurance companies, fraternal benefit societies, health care service contractors and health maintenance organizations unless the context clearly indicates otherwise.

(8) "Premium" shall mean all sums charged, received or deposited as consideration for a contract and includes any assessment, membership, contract, survey, inspection, service, or similar fees or charges as paid.

(9) "Terminally ill care" means care for an illness, disease, or injury which has reached a point where recovery can no longer be expected and the attending physician has certified that the patient is facing imminent death; or has a life expectancy of six months or less.

(10) "Adult day health care" means a program of community based social and health-related services provided during the day in a community group setting for the purpose of supporting frail, impaired elderly or other disabled adults who can benefit from care in a group setting outside the individual's home.

AMENDATORY SECTION (Amending Order R 87-7, filed 7/9/87)

WAC 284-54-030 Standards for definitions applicable to long-term care contracts. The following definitions are applicable to long-term care contracts and the implementation of chapter 48.84 RCW and this chapter, and no contract may be advertised, solicited, or issued for delivery in this state as a long-term care contract which uses definitions more restrictive or less favorable to an insured than the following:

(1) "Acute care" means care provided for patients who are not medically stable. These patients require frequent monitoring by health care professionals in order to maintain their health status.

(2) "Benefit period" means the period of time for which the insured is eligible to receive benefits or services under a contract. A benefit period begins on the first day that the insured is eligible for and begins to receive the benefits of the contract. The benefit period ends when the insured is no longer eligible to receive benefits or has received the lifetime maximum benefits available. Such benefit period must be stated in terms of days rather than in terms of months of benefit.

(3) "Case manager" or "case coordinator" means an individual qualified by training and/or experience to coordinate the overall medical, personal and social service needs of the long-term care patient. Such coordination activities shall include but are not limited to: Assessing the individual's condition to determine what services and resources are necessary and by whom they might most appropriately be delivered; coordination of elements of a treatment or care plan and referral to the appropriate medical or social services personnel or agency; control coordination of patient services and continued monitoring of the patient to assess progress and assure that services are delivered. Such activities shall be conducted in consultation with the attending physician.

(4) "Chronic care" or "maintenance care" means care that is necessary to support an existing level of health and is intended to preserve that level from further failure or decline. The care provided is usually for a long, drawn out or lingering disease or infirmity showing little change or slowly progressing with little likelihood of complete recovery, whether such care is provided in an institution or is community-based and whether such care requires skilled, intermediate or custodial/personal care.

(5) "Convalescent care" or "rehabilitative care" is nonacute care which is prescribed by a physician and is received during the period of recovery from an illness or injury when improvement can be anticipated, whether such care requires skilled, intermediate or custodial/personal care, and whether such care is provided in an institutional care facility or is community-based.

(6) "Custodial care" or "personal care" means care which is mainly for the purpose of meeting daily living requirements. This level of care may be provided by persons without professional skills or training. Examples are: Help in walking, getting out of bed, bathing, dressing, eating, meal preparation, and taking medications. Such care is intended to maintain and support an existing level of health or to preserve the patient from further decline. Custodial or personal care services are those which may be recommended by the case manager in consultation with the patient's attending physician and are not primarily for the convenience of the insured or the insured's family.

(7) "Guaranteed renewable" means that renewal of a contract may not be declined by an insurer for any reason except for nonpayment of premium, but the insurer may revise rates on a class basis.

(8) A "home health aide" is a person who is providing care under the supervision of a physician, licensed professional nurse, physical therapist, occupational therapist, or speech therapist. Care provided may include ambulation and exercise, assistance with self-administered medications, reporting changes in a covered person's conditions and needs, completing appropriate records, and personal care or

household services needed to achieve medically desired results.

(9) "Home care services" or "personal care services" are services of a personal nature including, but not limited to, homemaker services, assistance with the activities of daily living, respite care services, or any other nonmedical services provided to ill, disabled, or infirm persons which services enable those persons to remain in their own residences consistent with their desires, abilities and safety. An insurer may require that services are provided by or under the direction of a home health care agency or home care agency regulated by this state, or that services are administered in accordance with a plan of treatment developed by or with the assistance of health care professionals.

(10) "Home health care" shall mean, but is not limited to, any of the following health or medical services: Nursing services, home health aide services, physical therapy, occupational therapy, speech therapy, respiratory therapy, nutritional services, medical or social services, and medical supplies or equipment services. An insurer may require that services are provided by or under the direction of a regulated home health care agency regulated by this state, or that services are administered in accordance with a plan of treatment developed by or with the assistance of health care professionals.

(11) "Intermediate care" means technical nursing care which requires selected nursing procedures for which the degree of care and evaluation is less than that provided for skilled care, but greater than that provided for custodial/personal care. This level of care provides a planned continuous program of nursing care that is preventive or rehabilitative in nature.

(12) "Long-term care total disability" means the functional inability due to illness, disease or infirmity to engage in the regular and customary activities of daily living which are usual for a person of the same age and sex.

(13) "Managed long-term care delivery system" means a system or network of providers arranged or controlled by a managed long-term care plan. Such systems provide a range of long-term care services with provisions for effective utilization controls and quality assurance. In the case of provision of long-term care in the managed care environment, a case manager or other qualified individual may be used to develop and coordinate a care plan of appropriate long-term care services.

(14) "Managed long-term care plan" means a plan which on a prepaid basis assumes the responsibility and the risk for delivery of the covered long-term care services set forth in the benefit agreement. Actual services are rendered by the plan through its own staff, through capitation, or other contractual arrangements with providers. Managed long-term care plans may include but are not limited to those offered by health maintenance organizations, and health care service contractors, if their services are provided through a managed long-term care delivery system.

(15) "Noncancellable" means that renewal of a contract may not be declined except for nonpayment of premium, nor may rates be revised by the insurer.

(16) "One period of confinement" means consecutive days of institutional care received as an inpatient in a health care institution, or successive confinements due to the same or related causes when discharge from and readmission to

the institution occurs within a period of time not more than ninety days or three times the maximum number of days of institutional care provided by the policy to a maximum of one hundred eighty days, whichever provides the covered person with the greater benefit.

(17) "Preexisting condition," as defined by RCW 48.84.020(3), means a covered person's medical condition that caused that person to have received medical advice or treatment during the specified time period before the effective date of coverage.

(18) "Respite care" is short-term care which is required in order to maintain the health or safety of the patient and to give temporary relief to the primary caretaker from his or her caretaking duties.

(19) "Skilled care" means care for an illness or injury which requires the training and skills of a licensed professional nurse, is prescribed by a physician, is medically necessary for the condition or illness of the patient, and is available on a twenty-four-hour basis.

NEW SECTION

WAC 284-54-040 Minimum standards for benefit triggers—Physician certification, activities of daily living, and cognitive impairments. (1)(a) Except as provided in (b) of this subsection, every long-term care insurance contract or certificate issued on or after January 1, 1996, which provides coverage to a resident of this state, shall require certification by the insured's attending physician that the services are appropriate due to illness or infirmity, or include provisions which condition the payment of benefits on an assessment of the insured's ability to perform specific activities of daily living or the insured's cognitive impairment.

(b) Certificates issued on or after January 1, 1996, under a group long-term care insurance contract that was in force on December 31, 1995, need not meet the standards of this section.

(2) Activities of daily living and cognitive impairment shall be used to measure an insured's need for long-term care and shall be described in the contract or certificate in a separate paragraph labeled "Eligibility for the Payment of Benefits." Any additional benefit triggers shall be explained in that section. If a trigger differs for different benefits, an explanation of the trigger shall accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, the policy shall so specify.

(3) Eligibility for the payment of benefits based on the inability of the insured to perform certain activities shall not be more restrictive than requiring a deficiency in the ability to perform not more than three of the following activities of daily living.

(a) "Activities of daily living" on which an insurer intends to rely as a measure of functional incapacity shall be defined in the policy, and shall include at least all of the following:

(i) **Bathing:** The ability of the insured to wash himself or herself either in the tub or shower or by sponge bath, including the task of getting into or out of a tub or shower.

(ii) Contenance: The ability of the insured to control bowel and bladder functions; or, in the event of incontinence, the ability to perform associated personal hygiene (including caring for catheter or colostomy bag).

(iii) Dressing: The ability of the insured to put on and take off all items of clothing, and necessary braces, fasteners, or artificial limbs.

(iv) Eating: The ability of the insured to feed himself or herself by getting food and drink from a receptacle (such as a plate, cup, or table) into the body including intravenously or by feeding tube.

(v) Toileting: The ability of the insured to get to and from the toilet, get on and off the toilet, and perform associated personal hygiene.

(vi) Transferring: The ability of the insured to move in and out of a chair, bed, or wheelchair.

(b) For purposes of this section, the determination of a deficiency shall not be more restrictive than:

(i) Requiring the hands-on assistance of another person to perform the prescribed activities of daily living; or

(ii) If the deficiency is due to the presence of a cognitive impairment, supervision or verbal cuing by another person is needed in order to protect the insured or others.

(c) Upon prior approval of the commissioner in writing, an insurer may use standards or definitions for activities of daily living in addition to the standards set forth in (a) of this subsection; however, in no case may an insurer require a deficiency in more than three activities of daily living as a barrier to benefits. Any additional activities of daily living approved by the commissioner, shall be used in addition to those set forth in (a) of this subsection, and not in lieu thereof. Assessments of activities of daily living and cognitive impairment shall be performed by licensed or certified professionals, such as physicians, nurses, or social workers. No contract or certificate may combine more than one activity of daily living to create a compound impairment requirement.

(d) Each long-term care insurance contract or certificate shall include a clear description of the process for appealing and resolving benefit determinations.

(4) If an insurer proposes standards other than those described in this section, the insurer shall describe to the satisfaction of the commissioner how the proposed assessment will reasonably be expected to produce reliable, valid, and clinically appropriate results and shall demonstrate that the alternate assessment method is not less beneficial to the insured than the standards described in this section.

(5) For purposes of this section the following definitions apply:

(a) "Cognitive impairment" means a deficiency in a person's short-term or long-term memory; orientation as to person, place, and time; deductive or abstract reasoning; or judgment as it relates to safety awareness.

(b) "Hands-on assistance" means any amount of physical assistance (whether minimal, moderate, or maximal) without which the insured would not be able to perform the activity.

NEW SECTION

WAC 284-54-180 Reduction of coverage. Effective January 1, 1996, every person purchasing a long-term care insurance contract in this state shall have the right to reduce the benefits of a long-term care contract without providing evidence of insurability. Such a reduction may include, for example, changes which result in a contract with a longer elimination period, a lower daily benefit, or a shorter benefit period: *Provided, however,* That an insurer shall not reduce benefits to a level below the minimum level which has been approved by the commissioner on the date the reduction of coverage is requested.

NEW SECTION

WAC 284-54-190 Nonduplication with state or national health care benefits. In the event that a state or federal program is enacted which substantially duplicates all or part of the coverage of an in-force long-term care insurance contract or certificate, current benefits or features which are duplicated by a state or national program shall be revised or eliminated promptly and in an orderly manner, subject to prior approval by the commissioner.

NEW SECTION

WAC 284-54-253 Unintentional lapse. The purpose of this section is to protect insureds from unintentional lapse by establishing standards for notification of a designee to receive notice of lapse for nonpayment of premiums at least thirty days prior to the termination of coverage and to provide for a limited right to reinstatement of coverage unintentionally lapsed by a person with a cognitive impairment or loss of functional capacity. These are minimum standards and do not prevent an insurer from including benefits more favorable to the insured. This section applies to every insurer providing long-term care coverage to a resident of this state, which coverage is issued for delivery or renewed on or after January 1, 1996.

(1) Every insurer shall permit an insured to designate at least one additional person to receive notice of lapse or termination for nonpayment of premium, if the premium is not paid on or before its due date. The designation shall include the designee's full name and home address.

(a) The notice shall provide that the contract or certificate will not lapse until at least thirty days after the notice is mailed to the insured's designee.

(b) Where a policyholder or certificateholder pays premium through a payroll or pension deduction plan, the insurer shall permit the insured to designate a person to receive notice of lapse or termination for nonpayment of premium within sixty days after the insured is no longer on such a premium payment plan. The application or enrollment form for contracts or certificates where premium will be paid through a payroll or pension deduction plan shall clearly indicate the payment plan selected by the applicant.

(c) The insurer shall offer each insured in writing an opportunity to change the designee, or update the information concerning the designee, no less frequently than once in every twenty-four months.

(2) Every insurer shall provide a limited right to reinstate coverage in the event of lapse or termination for

nonpayment of premium, if the insurer is provided proof of the insured's cognitive impairment or loss of functional capacity and reinstatement is requested within the five months after the policy lapsed or terminated due to nonpayment of premium.

(a) The standard of proof of cognitive impairment or loss of functional capacity shall be no more restrictive than the benefit eligibility criteria for cognitive impairment or loss of functional capacity contained in the contract or certificate.

(b) Current good health of the insured shall not be required for reinstatement if the request otherwise meets the requirements of this section.

(3) An insurer shall permit an insured to waive his or her right to designate an additional person to receive notice of lapse or termination for nonpayment of premium.

(a) The waiver shall be in writing, and shall be dated and signed by the applicant or insured.

(b) No less frequently than once in every twenty-four months, the insured shall be permitted to revoke this waiver and to name a designee.

(4) Designation by the insured to receive notice of lapse or termination for nonpayment of premium does not constitute acceptance of any liability on the part of the designee for services provided to the insured or applicant.

AMENDATORY SECTION (Amending Order R 94-10, filed 7/6/94, effective 8/6/94)

WAC 284-54-270 Requirement to offer inflation protection. (1) No insurer may offer a long-term care insurance contract unless, in addition to any other inflation protection option, the insurer offers to the (~~applicant~~) policyholder the option to purchase a contract that provides for benefit levels to increase with benefit maximums or reasonable durations which are meaningful to account for reasonably anticipated increases in the costs of long-term care services covered by the contract. Insurers must offer to each applicant, at the time of purchase, the option to purchase a contract with an inflation protection feature no less favorable than one of the following:

(a) Increases benefit levels annually in a manner so that the increases are compounded annually at a rate not less than five percent;

(b) Guarantees the insured individual the right to periodically increase benefit levels without providing evidence of insurability or health status so long as the option for the previous period has not been declined. The amount of the additional benefit shall be no less than the difference between the existing policy benefit and that benefit compounded annually at a rate of at least five percent for the period beginning with the purchase of the existing benefit and extending until the year in which the offer is made; or

(c) Covers a specified percentage of actual or reasonable charges and does not include a maximum specified indemnity amount or limit.

(2) Where the contract is issued to a group, the required offer in subsection (1) of this section shall be made to the group policyholder; except, if the policy is issued to an association group (defined in RCW 48.24.045) other than to a continuing care retirement community, the offering shall be made to each proposed certificateholder.

(3) The offer in subsection (1) of this section shall not be required of life insurance policies or riders containing accelerated long-term care benefits.

(4)(a) Insurers shall include the following information in or with the (~~outline of coverage~~) disclosure form:

(i) A graphic comparison of the benefit levels of a contract that increases benefits over the contract period with a contract that does not increase benefits. The graphic comparison shall show benefit levels over at least a twenty-year period.

(ii) Any expected premium increases or additional premiums to pay for automatic or optional benefit increases.

(b) An insurer may use a reasonable hypothetical, or a graphic demonstration, for the purposes of this disclosure.

(c) It is intended that meaningful inflation protection be provided. Meaningful benefit minimums or durations may, for example, include providing increases to attained age, or for a period such as at least twenty years, or for some multiple of the policy's maximum benefit, or throughout the period of coverage.

(5) Inflation protection benefit increases under a contract which contains such benefits shall continue without regard to an insured's age, claim status or claim history, or the length of time the person has been insured under the contract.

(6) An offer of inflation protection which provides for automatic benefit increases shall include an offer of a premium which the insurer expects to remain constant. Such offer shall disclose in a conspicuous manner that the premium may change in the future unless the premium is guaranteed to remain constant.

(7)(a) Inflation protection as provided in subsection (1)(a) of this section shall be included in a long-term care insurance contract unless an insurer obtains a written rejection of inflation protection signed by the applicant.

(b) The rejection shall be considered a part of the application and shall state:

"I have reviewed the outline of coverage and the graphs that compare the benefits and premiums of this contract with and without inflation protection. Specifically, I have reviewed Plans, and I reject inflation protection."

AMENDATORY SECTION (Amending Order R 87-7, filed 7/9/87)

WAC 284-54-300 Information to be furnished, style.

(1) Each broker, agent, or other representative of an insurer selling or offering benefits that are designed, or represented as being designed, to provide long-term care insurance benefits, shall deliver the disclosure form as set forth in WAC 284-54-350 not later than the time of application for the contract. If an agent has solicited the coverage, the disclosure form shall be signed by that agent and a copy left with the applicant. The insurer shall maintain a copy in its files.

(2) The disclosure form required by this section shall identify the insurer issuing the contract and may contain additional appropriate information in the heading. The informational portion of the form shall be substantially as set forth in WAC 284-54-350 and words emphasized therein shall be underlined or otherwise emphasized in each form

issued. The form shall be printed in a style and with a type character that is easily read by an average person eligible for long-term care insurance.

(3) Where inappropriate terms are used in the disclosure form, such as "insurance," "policy," or "insurance company," a fraternal benefit society, health care service contractor, or health maintenance organization shall substitute appropriate terminology.

(4) In completing the form, each subsection shall contain information which succinctly and fairly informs the purchaser as to the contents or coverage in the contract. If the contract provides no coverage with respect to the item, that shall be so stated. ~~((Address each of the questions as though they had been raised by the applicant regarding a long-term care policy.))~~ Address the ~~((answer))~~ form to the reasonable person likely to purchase long-term care insurance.

(5) A policy which provides for the payment of benefits based on standards described as "usual," "customary," or "reasonable" (or any combination thereof), or words of similar import, shall include an explanation of such terms in its disclosure form and in the definitions section of the contract.

(6) If the contract contains any gatekeeper provision which limits benefits or precludes the insured from receiving benefits, such gatekeeper provision ~~((must))~~ shall be fully described.

(7) All insurers shall use the same disclosure form. It is intended that the information provided in the disclosure form will appear in substantially the same format provided to enable a purchaser to compare competing contracts easily.

(8) The information provided shall include the statement: "This is NOT a Medicare supplement policy," and shall otherwise comply with WAC ~~((284-55-067))~~ 284-66-120.

(9) The required disclosure form ~~((must))~~ shall be filed by the insurer with the commissioner prior to use in this state.

(10) In any case where the prescribed disclosure form is inappropriate for the coverage provided by the contract, an alternate disclosure form shall be submitted to the commissioner for ~~((prior))~~ approval or acceptance prior to use in this state.

(11) Upon request of an applicant or insured, insurers shall make available a disclosure form in a format which meets the requirements of the Americans With Disabilities Act and which has been approved in advance by the commissioner.

AMENDATORY SECTION (Amending Order R 87-7, filed 7/9/87)

WAC 284-54-350 Form to be used—Long-term care insurance disclosure form. No later than January 1, 1996, the ~~((following))~~ disclosure form shall be ~~((used))~~ substantially as follows:

(Company Name)
Disclosure Form
Long-term Care Insurance

The decision to buy a new long-term care policy is very important. It should be carefully considered.

The following data give you some general tips and furnish you with a summary of benefits available under our policy.

Your long-term care policy provides thirty days (sixty days for direct response insurers) within which you may decide without cost whether you wish to keep it. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available under your policy.

If you now have insurance which provides benefits for long-term care, read your policy carefully. Look for what is said about renewing it. See if it contains waiting periods before benefits are paid. Note how it covers preexisting conditions (health conditions you already have). Compare these features with similar ones in any new policy. Use this information to measure the value of any insurance or health care plans you now have.

DON'T BUY MORE INSURANCE THAN YOU REALLY NEED. One policy that meets your needs is usually less expensive than several limited policies.

If you are eligible for state medical assistance coupons (Medicaid), you should not purchase a long-term care insurance policy.

After you receive your policy, make sure you have received the coverage you thought you bought. If you are not satisfied with the policy, you may return it within thirty days (sixty days for direct response insurer) for a full refund of premium.

DISCLOSURE FORM

BENEFITS PROVIDED UNDER THE CONTRACT

Level of Care: Location Given:	Skilled Care		Intermediate Care		Custodial/Personal Care	
	Nursing Home	Home-Based	Nursing Home	Home-Based	Nursing Home	Home-Based
Payment Per Day	\$/% _____	\$/% _____	\$/% _____	\$/% _____	\$/% _____	\$/% _____
Number of Days of Benefits:	_____	_____	_____	_____	_____	_____

GENERAL CONTRACT INFORMATION

Premium	Waiver of Premium	Recurring Conditions	Maximum Lifetime Benefits	Restoration of Maximum Lifetime Benefits?
Do premiums remain unchanged for life? Yes/No	Must premiums be paid when you are receiving benefits? Yes/No	If your disability recurs, when do you have to: -satisfy a new waiting period? -pay a new deductible? Explain: _____	Days _____ Dollars _____	Yes/No If yes, explain how and when they will be restored: _____
Will premiums automatically increase with age? Yes/No	Explain: _____	Explain: _____	_____	_____
May the company make additional premium increases? Explain: _____	_____	_____	_____	_____

LIMITATIONS ON COVERAGE

Exclusions and Exceptions (List and Explain Carefully)	Pre-Existing Conditions	Restrictions on Where and From Whom Care Received?	Payments You Must Make When You Have A Claim (List, Explain)
How many days do you have to wait to collect benefits: - after the policy is effective? _____ - after you become ill: _____ Other significant exclusions: _____	Are conditions for which you have been: -treated? _____ -excluded? _____ -limited? _____ Treatment how long ago? _____ Excluded how long? _____	Yes/No _____ If yes, Explain: _____	Amount of co-payment charge: _____ Deductible: _____ Other: _____

NURSING HOME OR OTHER IN-PATIENT BENEFITS

Number of Days of Prior Hospitalization Required	Max. No. of Days Between Hospital Discharge and Nursing Home Admission	Level of Care Required at Time of Nursing Home Admission	No. of Days of Skilled Care Required to Qualify for Another Level of Care	Maximum Nursing Home or In-Patient Benefits
_____	_____	_____	_____	Days? _____ Dollars? _____

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HOME-BASED OR OTHER OUT-PATIENT CARE BENEFITS

Covered Services (State whether covered and briefly explain limitations on benefits)	Gatekeeping (Threshold) Requirements	Maximum Home or Out-Patient Benefits
Hygiene/Personal Care? _____ Chore Services? _____ Meals/Nutritional Services? _____ Respite Care? _____ Adult Day Care? _____ Durable Medical Equipment? _____	Transportation? _____ Physician/Nursing Services? _____ Therapists? _____ Medical/Social Worker Services? _____ Drugs? _____ Other: _____	Prior in-patient care required? Yes/No _____ Prior level of in-patient care required? _____ Assessment by case manager or other required? Yes/No _____ Explain: _____
		Maximum number of days or visits: _____ Maximum duration of visits: _____ Dollar Maximum: _____

SPECIAL COVERAGE OR LIMITATIONS

=====

Premium: _____ Mode: _____

*This disclosure form was delivered to me on: _____ (date)

* _____
(Signature of Applicant)

*By: _____

*(Agent or Broker -- printed name and signature)

Contract Form No. _____

LTC DISCLOSURE FORM

1. INSTITUTIONAL CARE

What levels of care are covered by the policy?	YES	NO
Does the policy provide benefits for these levels of care?	_____	_____
Skilled Nursing Care?	_____	_____
Intermediate Nursing Care	_____	_____
Custodial/Personal Care?	_____	_____

(By state law, all long-term care policies in Washington State must cover all three of the above levels of care.)

Where can care be received and be covered under the policy?		
Does the policy pay for care in <u>any</u> licensed facility?	_____	_____
If no, define the restrictions on where care can be obtained:	_____	
Is the alternative plan of care benefit available with institutional part of policy?	_____	_____
Does the alternative plan of care benefit include home care?	_____	_____
Does the alternative plan of care benefit include structural home improvements?	_____	_____

2. HOME / COMMUNITY BASED CARE

What types of care are covered by the policy?	YES	NO
Does the policy provide home care benefit for:		
Check all that apply		
Adult day care	_____	_____
Adult day health care	_____	_____
Chore services	_____	_____
Home health aides	_____	_____
Homemaker services	_____	_____
Hospice	_____	_____
Hygiene/personal care	_____	_____
Laboratory services	_____	_____
Meals/nutrition services	_____	_____
Medical equipment/supplies	_____	_____
Prescription drugs	_____	_____
Physician/nursing services	_____	_____
Respite care	_____	_____
Social workers	_____	_____
Therapies (List)	_____	_____
Transportation	_____	_____
Other: _____	_____	_____

Are these separate or post-confinement benefits? Separate _____ Post- Confinement _____

Where can home/community-based care be received?		
Check all that apply		
Adult day care centers	_____	_____
Alternative care facilities	_____	_____
Assisted living facilities	_____	_____
Boarding homes	_____	_____
Community centers	_____	_____
Congregate care facilities	_____	_____
Multiple family residences	_____	_____
Single family residences	_____	_____
Other: _____	_____	_____

Does the alternative plan of care benefit include home care? _____

Does the alternative plan of care benefit include structural improvements? _____

Must the alternative plan of care be pre-certified? _____

If yes, by whom? _____

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3. BOTH INSTITUTIONAL AND COMMUNITY-BASED CARE

What is the maximum daily benefit amount for:	YES/NO/COMMENTS
Institutional/nursing home care?	_____
Home/Community Based Care?	_____
Are there limits on the number of days (or visits) per year for which benefits will be paid for:	
Institutional/nursing home care?.	_____
Home/Community based care?	_____
What are the dollar limits the policy will pay during the policyholder's lifetime for:	
Institutional/Nursing home care?	_____
Home/Community based care?	_____
Total lifetime limit?	_____
What basic features and benefits does the policy offer?	
Is the policy guaranteed renewable?	_____
Can you purchase additional increments of coverage? If yes:	
When can additional coverage be purchased?	_____
How much can be purchased?	_____
When is additional coverage no longer available for purchase?	_____
Does the policy have inflation protection?	
If yes, what is the % amount of the increase?	_____
Is the rate of increase simple or compound?	_____
When do increases stop?	_____
If policy includes inflation coverage, what is the daily benefit for:	
Institutional/nursing home care..	
5 years from policy effective date?	_____
10 years from policy effective date?	_____
Home/Community based care..	
5 years from policy effective date?	_____
10 years from policy effective date?	_____
After the limits have been reached for inflation adjustments, what is the maximum daily benefit for:	
Institutional/nursing home care	_____
Home/community based care	_____
After the limits have been reached for inflation adjustments, what is the maximum lifetime benefit for:	
Institutional/nursing home care	_____
Home/community based care	_____
Is there a waiver of premium provision for:	
Institutional/nursing home care?	_____
Home/community based care?	_____
How many days of confinement in an institution are required before the waiver of premium benefit is available?	_____
Home many days of confinement at home are required before the waiver of premium benefit is available?	_____
How many days of benefits must be paid before waiver is effective?	_____
Does the policy have a nonforfeiture benefit?	
If yes, how many years must policy be in effect before the insured benefits from nonforfeiture values?	_____
What would the benefit value be in terms of dollars after 20 years?	_____
What does the nonforfeiture benefit promise?(give an appropriate example showing dollars and time limits)	_____

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	YES/NO/COMMENTS
Does the policy have a death benefit?	_____
If yes, specify value (in dollars of %)	_____
What conditions or limitations apply, if any?	_____
Does the policy have a restoration of benefits provision?	_____
If yes, give amount of benefit and minimum required # of days between benefits.	_____
If disability recurs, is there a new elimination or waiting period before benefits begin again?	_____
If yes, after how long?	_____
How long is the waiting period for pre-existing conditions?	_____
How is the pre-existing condition defined?	_____
When do benefits begin?	
How long is the elimination or waiting period before benefits begin for:	
Institutional/nursing home care?	_____
Home/community based care?	_____
What gatekeepers are required before benefits start?	
Doctor certification	_____
Case management	_____
If yes, by whom?	_____
Medical necessity	_____
Plan of treatment	_____
If yes, by whom?	_____
Inability to perform activities of daily living (ADLs)	_____
If yes, how many ADLs must fail before benefits begin?	_____
If the policy uses an ADL gatekeeper(s), define "inability to perform ADL."	_____
Is there a separate benefit qualification requirement if there is a cognitive impairment?	_____
Who determines a qualifying event?	_____
Define any separate benefit qualification requirement if there is a cognitive impairment:	_____
What does the policy cost?	
How often can the premium increase?	
By how much annually can the premium increase?	_____
Is there a discount if both spouses buy policies?	_____
If so, how much?	_____
Do you lose the discount if one spouse dies?	_____

4. **ADDITIONAL POLICY INFORMATION**
Use this space to outline additional benefits, further explanations or clarifications

5. **POLICY DEFINITIONS**
(Include definitions of policy provisions)

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WHAT DOES THE POLICY COST?

	POLICY OPTION 1	POLICY OPTION 2	POLICY OPTION 3	POLICY OPTION 4
COMPANY NAME.....	_____	_____	_____	_____
ELIMINATION(DEDUCTIBLE)PERIOD BENEFIT PERIOD \$ BENEFIT FOR DAY \$ MAXIMUM BENEFIT	_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____
Institutional/Nursing Home Home Health/Community Based PREMIUM SUBTOTAL \$	_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____
OPTIONAL BENEFITS Inflation Non Forfeiture Spousal Discount Death Benefit Other _____ Other _____ Other _____ PREMIUM TOTAL \$	_____ _____ _____ _____ _____ _____ _____ _____	_____ _____ _____ _____ _____ _____ _____ _____	_____ _____ _____ _____ _____ _____ _____ _____	_____ _____ _____ _____ _____ _____ _____ _____
BENEFIT "TRIGGERS" (QUALIFICATION REQUIREMENTS List _____ List _____ List _____	_____ _____ _____	_____ _____ _____	_____ _____ _____	_____ _____ _____

Permanent

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WSR 95-19-029
PERMANENT RULES
STATE TREASURER

[Filed September 11, 1995, 3:04 p.m.]

Date of Adoption: September 11, 1995.

Purpose: To provide procedures to facilitate the borrowing and repayment of money from the municipal sales and use tax equalization account by newly incorporated cities and towns.

Statutory Authority for Adoption: RCW 35.02.135.

Adopted under notice filed as WSR 95-16-032 on July 21, 1995.

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 2, 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 2, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing,
 September 11, 1995

Scott Jarvis
 Legal Counsel

Chapter 474-02 WAC
NEWLY INCORPORATED CITY OR TOWN—
PROCEDURES FOR REIMBURSEMENT OF
MONEYS BORROWED FROM MUNICIPAL SALES
AND USE TAX EQUALIZATION ACCOUNT

NEW SECTION

WAC 474-02-010 New cities and towns—Standards for borrowing from municipal sales and use tax equalization account. (1) To borrow money from the municipal sales and use tax equalization account a new city or town must furnish a copy of the governing board's resolution establishing the official date of incorporation, declaring the population of the city or town, and stating the amount to be borrowed.

(2) Loans shall be repaid with interest, according to the terms of a loan agreement acceptable to the state treasurer, over a maximum period of three years. Each loan shall bear interest for the duration of the loan at the closing offering yield of the then current three-year treasury note, as quoted by the *Wall Street Journal*, on the day prior to loan disbursement.

(3) Loans shall be repayable by the treasurer withholding moneys from the funds otherwise payable to the borrowing city or town, either from the municipal sales and use tax equalization account or from sales and use tax entitlements otherwise distributable to the borrowing city or town, so that the municipal sales and use tax equalization account is fully

reimbursed over the period of the loan. Payments are to be made monthly until the borrowing city or town has paid all of the principal and interest owed under the loan agreement.

NEW SECTION

WAC 474-02-020 Appendix to WAC 474-02-010—
Sample intergovernmental agreement.

INTERGOVERNMENTAL AGREEMENT

The _____ of (City/Town) has submitted a request to the Washington State Treasurer (Treasurer) to borrow _____ from the Municipal Sales and Use Tax Equalization Account pursuant to RCW 35.02.135.

The City/Town and Treasurer have entered into this agreement, by which the City, as authorized by legally sufficient resolution of its governing body, shall borrow from the municipal sales and use tax equalization account the sum stated below and shall repay said sum according to the repayment terms and conditions stated herein:

1. Amount of loan _____.

2. Interest. Interest will be charged on unpaid principal until the full amount has been paid. Interest will be calculated on the average daily loan balance and will accrue monthly. The loan shall bear interest for the duration of the loan at the closing offering yield of the then current three-year Treasury Note, as quoted by the *Wall Street Journal*, on the day prior to loan disbursement repayable as set forth in Section 3.

3. Repayment.

(A) Time of Payments.

City/Town will pay principal and interest by the Treasurer withholding moneys from the funds otherwise payable to City/Town, either from the municipal sales and use tax equalization account or from sales and use tax entitlements otherwise distributable to City/Town, so that the municipal sales and use tax equalization account is fully reimbursed over the period of the loan. Payments will be due on the last business day of each month beginning on _____. Payments will be made monthly until the City/Town has paid all of the principal and interest owed under this loan agreement. Monthly payments will be applied to interest before principal. Final payment of principal and interest owed is due on _____.

(B) Amount of City's/Town's Monthly Payments.

Each of City's/Town's monthly payments will be in the amount of _____, except for the last payment, due on _____, which will be in the amount of U.S. _____.

4. City's/Town's Right to Prepay.

City/Town has the right to make payments of principal at any time before they are due. City/Town may make a full prepayment or partial prepayments without paying any prepayment charge. Treasurer will use all of City's/Town's prepayments to reduce the amount of principal City/Town owes under this intergovernmental agreement. If City/Town makes a partial prepayment, there will be no changes in the due dates of City's/Town's monthly payments unless Treasurer agrees in writing to those changes. City's/Town's partial prepayments may reduce the amount of its monthly

payments beginning with the first payment date following its partial prepayment.

5. Treasurer's Authority to Withdraw Moneys.

The City/Town acknowledges and agrees that Treasurer is authorized by the City/Town pursuant to RCW 35.02.135 and this agreement to withdraw from future tax distributions to the City/Town on the basis stated above. City/Town also agrees not to challenge or contest Treasurer's authority to withdraw moneys for the purposes of this loan.

6. Impact of Rules.

City/Town agrees that the terms and conditions of this agreement are subject to rules adopted by Treasurer pursuant to RCW 35.02.135, and that this agreement may be modified to reflect any changes to such rules effective following the execution of this intergovernmental agreement.

7. Scope of Agreement.

This agreement comprises the entire agreement of the parties with respect to the matters covered herein, and no agreement, statement, or promise made by any party which is not included herein shall be binding or valid.

8. Modification.

This agreement may be modified or amended only pursuant to Section 6 of this agreement or by a written agreement duly executed by all parties hereto.

9. Applicable Law.

This agreement shall be governed by the laws of the State of Washington, and any questions arising under this agreement shall be construed or determined according to such law. City/Town consents to the venue of any action brought under this agreement in any superior court in Thurston County, Washington.

The undersigned persons do hereby stipulate to the following:

I have the authority to sign this intergovernmental agreement, on behalf of the City/Town and the Treasurer.

For the City/Town:

Name	Title	Date
For the Treasurer:		
Name	Title	Date

For the Treasurer:

Name	Title	Date
------	-------	------

WSR 95-19-031
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 95-08—Filed September 12, 1995, 10:45 a.m.]

Purpose: To amend chapter 392-162 WAC, Special service program—Learning assistance, so that current LAP WACs will reflect changes made in federal law PL 103-382 Improving America's Schools Act of 1994.

Citation of Existing Rules Affected by this Order: Amending chapter 392-162 WAC.

Statutory Authority for Adoption: Chapter 478, Laws of 1987.

Adopted under notice filed as WSR 95-15-076 on July 17, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 1, amended 10, repealed 4; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, amended 10, repealed 4.

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.

September 11, 1995

Judith A. Billings

Superintendent of

Public Instruction

NEW SECTION

WAC 392-162-043 Definition—School-wide project.

As used in this chapter, the term "school-wide project" means a school where all children are eligible to receive services depending on their needs.

AMENDATORY SECTION (Amending Order 87-14, filed 10/22/87)

WAC 392-162-049 Definition—Needs assessment.

As used in this chapter, the term, "needs assessment" means an analysis of the educational needs of ~~((students in grades kindergarten through nine as described in WAC 392-162-067: *Provided*, That an existing district needs assessment that meets the requirements of WAC 392-162-067 may be used))~~ an entire school that is based on the performance of children in relation to the state's challenging content standards and challenging student performance standards.

AMENDATORY SECTION (Amending Order 87-14, filed 10/22/87)

WAC 392-162-052 Definition—Indirect expenditures.

As used in this chapter, the term "indirect expenditures" is as defined in the accounting manual glossary of terms (~~(—i.e., "those expenditure elements that cannot be easily, obviously, and conveniently identified with specific programs. . . . accumulated in the accounting system under Program 94 or Program 97.")~~).

AMENDATORY SECTION (Amending Order 87-14, filed 10/22/87)

WAC 392-162-057 Definition—Advisory committee.

As used in this chapter, the term "advisory committee" means a consultant group with membership including, but not limited to, representatives of the following groups:

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Parents—including parents of students served by program—teachers, principals, administrators, and school directors. This group can also be defined as the site-based planning team: Provided, That an existing advisory committee that meets the requirements of this section may serve as the learning assistance program advisory committee.

AMENDATORY SECTION (Amending Order 87-14, filed 10/22/87)

WAC 392-162-062 ((Mid-year)) Program plan revision. A district may make ((a)) periodic change(s) to the planning document during the school year ((in the program plan required under WAC 392-162-070)) if such change(s) ((is)) are made ((after consultation)) with the "advisory committee" and ((is)) are submitted to the superintendent of public instruction on forms provided for that purpose.

AMENDATORY SECTION (Amending Order 87-14, filed 10/22/87)

WAC 392-162-067 Program requirement—Needs assessment. ((Each district that seeks an allocation from the state for a learning assistance program shall conduct a needs assessment at least biennially. The needs assessment shall include:

(1) Use of objective measures to assess and identify those students in grades kindergarten through nine who are below grade level in the basic skills areas of readiness, reading, math, and language arts with special emphasis on the needs of students in the early grades.

(2) Review and use of current performance achievement data such as: State wide basic skills test, chapter 1 assessments, self study data, and other academic progress results.

(3) Review of district basic education and district special needs programs to identify strategies for coordinating the learning assistance program with such programs and services.) Any school district with a school-wide project must ensure that the school-wide project school conducts a needs assessment of the entire school that is based on the performance of children in relation to the state's challenging content standards and challenging student performance standards.

AMENDATORY SECTION (Amending Order 87-14, filed 10/22/87)

WAC 392-162-075 Program approval. The superintendent of public instruction shall review and approve each district's ((application which contains the information required by WAC 392-162-070)) planning document. A district's learning assistance program shall not be implemented prior to ((application)) planning document approval.

AMENDATORY SECTION (Amending Order 87-14, filed 10/22/87)

WAC 392-162-080 Program requirement—Selection of students. Students selected to participate in the learning assistance program shall be limited to those who:

(1) Are enrolled in grades kindergarten through nine;

(2) Are performing below grade level; provided, that all students in school-wide project schools will be eligible for services based on academic need;

(3) Have been selected using ((objective)) multiple measures; and

(4) Have been determined to have the greatest ((academic deficits and are not receiving services in the same basic skills area from another special service program)) risk of not meeting the state's challenging content and performance standards.

AMENDATORY SECTION (Amending Order 87-14, filed 10/22/87)

WAC 392-162-085 Program requirement—Consultation with the "advisory committee." The school district staff responsible for the administration of the learning assistance program shall consult with the learning assistance program "advisory committee" in the planning, implementation and evaluation of the learning assistance program.

AMENDATORY SECTION (Amending Order 91-15, filed 8/23/91, effective 8/23/91)

WAC 392-162-095 Program requirement—Allowable expenditures. Only allowed expenditures shall be reimbursed by the superintendent of public instruction. Allowed expenditures shall include direct and indirect expenditures ((included)) as specified on the approved program budget((= Provided, That beginning with expenditures for the 1990-91 school year, the allowed indirect expenditure rate for each school district shall not exceed the rate calculated for Program 55 "Remediation" for the most recently completed fiscal year using the federal restrictive rate methodology)).

AMENDATORY SECTION (Amending Order 87-14, filed 10/22/87)

WAC 392-162-110 Program requirement—End of year report. Districts shall submit to the superintendent of public instruction at the close of the fiscal year an end of the year report on forms provided by the superintendent of public instruction. ((The report shall include number of students served by grade level, basic skills area, ethnicity, and gender and other information which may be required by the superintendent of public instruction.))

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-162-042	Definition—Program options.
WAC 392-162-044	Definition—Program plan.
WAC 392-162-055	Definition—Direct expenditure.
WAC 392-162-070	Program requirement—District program plan.

WSR 95-19-032
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 95-09—Filed September 12, 1995, 10:47 a.m.]

Date of Adoption: September 11, 1995.

Purpose: To bring learning assistance program evaluation requirements into line with new Title I evaluation requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 392-162-105.

Statutory Authority for Adoption: Chapter 478, Laws of 1987.

Adopted under notice filed as WSR 95-15-053 on July 14, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 1, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 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.

September 11, 1995

Judith A. Billings

Superintendent of

Public Instruction

AMENDATORY SECTION (Amending Order 87-14, filed 10/22/87)

WAC 392-162-105 Program requirement—Program evaluation. The ~~((Chapter 1 Evaluation and Reporting System CHIERS))~~ Title I evaluation requirements shall be used annually by districts to evaluate the educational achievement of students ~~((in grades two through nine))~~ receiving recommended services in the learning assistance program. ~~((Students in kindergarten and grade one shall be evaluated annually using objective measures selected by the school district.))~~ Evaluation results shall be ~~((reported))~~ collected annually ~~((to))~~ by the superintendent of public instruction ~~((on provided forms)).~~

WSR 95-19-037
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3896—Filed September 12, 1995, 4:43 p.m.]

Date of Adoption: September 12, 1995.

Purpose: Implement in state regulations provisions of E2SHB 1908 relating to changes in state's nursing facility Medicaid payment rate system for the combined period July 1, 1995, to June 30, 1998. Establish appeal process for payment issues. Establish refund procedures.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-96-216, 388-96-753, and 388-96-902; and amending chapter 388-96 WAC, Nursing home accounting and reimbursement system.

Statutory Authority for Adoption: RCW 74.46.800.

Other Authority: E2SHB 1908.

Adopted under notice filed as WSR 95-14-120 on June 30, 1995.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-96-384 (1)(b)(ii) and (i), nursing facilities given the authority to send trust funds of deceased residents (who received Medicaid financial assistance) to the department's Office of Financial Recovery (OFR) by check, money order, certified check or cashiers check, rather than by certified check or cashiers check alone, as proposed. Proposed requirement that nursing facilities send such payment to OFR only by certified or cashiers check concluded to be unduly burdensome.

WAC 388-96-719(9), obsolete existing language preceding new language in subsection (9) was deleted entirely due to department error and not shown in emergency and proposed adoption (WSR 95-14-119 and 95-14-120, respectively) to be stricken in code reviser format as required by RCW 34.05.395 (1) and (3) when filed with code reviser June 30, 1995. Error brought to attention of people attending public hearing held September 6, 1995, in Olympia. Permanent adoption will show obsolete language properly deleted.

The language stricken from WAC 388-96-719(9) addresses the period of change of the nursing home input price index without capital costs published by the Health Care Financing Administration (HCFA index) to be used to adjust nursing facility Medicaid payment rates for the second fiscal year of each state biennium under the old biennial rate system replaced by the changes under E2SHB 1908.

Specifically, the provision that the calendar year following the calendar year used to get the HCFA index increase for the first biennial year rates be used for the second fiscal year rates, in the event there is a twenty-five percent or greater change in the HCFA index for such second calendar year, was repealed by E2SHB 1908 section 99 and replaced with other provisions in section 99 addressing rate adjustments for economic trends and conditions for payment rates from July 1, 1995, through June 30, 1998. These replacement provisions are reflected in amendments proposed to WAC 388-96-719 at WSR 95-14-120.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 1, repealed 0; or Recently Enacted State Statutes: New 0, amended 34, repealed 3.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 14, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 34, 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.

September 12, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

Reviser's note: The material contained in this filing will appear in the 95-21 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 95-19-049
PERMANENT RULES
BELLEVUE COMMUNITY COLLEGE

[Filed September 14, 1995, 2:40 p.m.]

Date of Adoption: September 12, 1995.

Purpose: To adopt rules giving authority to the board of trustees to set guidelines for establishing tuition and fee waivers as delegated by the Washington State Board for Community and Technical Colleges.

Citation of Existing Rules Affected by this Order: Repealing WAC 132H-160-093, 132H-160-094, and 132H-160-095.

Statutory Authority for Adoption: RCW 128B.50.140 [28B.50.140].

Adopted under notice filed as WSR 95-14-070 on June 29, 1995.

Changes Other than Editing from Proposed to Adopted Version: More specific directions for requesting an appeal are listed.

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 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 0, repealed 3.

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

September 12, 1995
Elise J. Erickson
Rules Coordinator

NEW SECTION

WAC 132H-160-052 Tuition and fee waivers. (1) The Board of Trustees of Community College District VIII may periodically establish tuition and fee waivers for specific categories of students as permitted by state law and by the State Board for Community and Technical Colleges. Such waivers will be established in accordance with WAC 132H-160-053 and with regular college fiscal processes.

(2) Information regarding current waivers will be available in the schedule of classes and from the Student Services Center.

(3) A student who wishes to appeal the determination of his or her tuition and fee waiver eligibility may submit a written appeal to ~~contact~~ the Associate Dean of Enrollment Services, who will review the student's eligibility. ~~initiate a brief adjudicative proceeding according to RCW 34.05.482 through 34.05.494.~~

Reviser's note: The unnecessary underscoring and deletion marks in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

WAC 132H-160-093 Tuition and fee waivers for full-time Bellevue Community College classified and administrative employees.

WAC 132H-160-094 Tuition and fee waivers for Bellevue Community College annually-contracted faculty.

WAC 132H-160-095 Tuition and fee waivers for Bellevue Community College senior citizens.

WSR 95-19-050
PERMANENT RULES
BELLEVUE COMMUNITY COLLEGE

[Filed September 14, 1995, 2:42 p.m.]

Date of Adoption: September 12, 1995.

Purpose: To adopt permanent hazing rules for Bellevue Community College in compliance with state law.

Statutory Authority for Adoption: RCW 128B.50.140 [28B.50.140].

Adopted under notice filed as WSR 95-14-069 on June 29, 1995.

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.
September 12, 1995
Elise J. Erickson
Rules Coordinator

NEW SECTION

WAC 132H-121-020 Hazing rules. Community College District VIII board of trustees has authorized the College to adopt rules to regulate hazing activities within college sponsored organizations, associations, or living groups.

(1) Hazing is prohibited. Hazing means any method of initiation into a student organization, association, or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or post-secondary institution.

PENALTIES

(1) Any organization, association, or living group that knowingly permits hazing shall:

- (a) Be liable for harm caused to persons or property resulting from hazing, and
- (b) Be denied recognition by Bellevue Community College as an official organization, association or student living group on the Bellevue Community College campus. If the organization, association or student living group is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(2) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships or awards for not less than one (1) academic quarter and up to and including permanent forfeiture, based upon the seriousness of the violation(s).

(3) The Student Code of Community College District VIII may be applicable to hazing violations, WAC 132H-120-200 (1)(3), 132H-120-210 through 132H-120-475.

(4) Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

SANCTIONS FOR IMPERMISSIBLE CONDUCT NOT AMOUNTING TO HAZING

(1) Impermissible conduct associated with initiation into a student organization or living group or any pastime or amusement engaged in, with respect to the organization or living group, will not be tolerated.

(2) Impermissible conduct which does not amount to hazing may include conduct which causes embarrassment, sleep deprivation or personal humiliation, or may include ridicule or unprotected speech amounting to verbal abuse.

(3) Impermissible conduct not amounting to hazing is subject to sanctions available under WAC 132H-120-200 (1)(3), 132H-120-210 through 132H-120-475, the Student Code of Community College District VIII, depending upon the seriousness of the violation.

WSR 95-19-054

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed September 15, 1995, 9:37 a.m.]

Date of Adoption: September 14, 1995.

Purpose: These rules govern the duties of the Personnel Resources Board, increment dates, and specifies exemptions to the civil service system. These modifications were necessary to comply with 1995 legislative changes.

Citation of Existing Rules Affected by this Order: Amending WAC 356-06-020, 356-06-080, 356-10-020, and 356-14-110.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 95-14-130 on July 5, 1995.

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 4, 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 4, repealed 0.

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

September 15, 1995

Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 90-12-027 (Order 353), filed 5/30/90, effective 6/30/90)

WAC 356-06-020 Exemptions—Exceptions. With the exceptions noted in subsection (19) of this section the provisions of these rules do not apply to:

(1) Members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature.

(2) Judges of the supreme court, of the superior courts or of the inferior courts or to any employee of, or position in the judicial branch of, state government.

(3) Officers, academic personnel and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board.

(4) Employees of the state printing office.

(5) The officers of the Washington state patrol.

(6) Elective officers of the state.

(7) The chief executive officer of each agency.

(8) In the departments of employment security and fisheries, the director and the director's confidential secretary.

(9) In the department of social and health services, the secretary, the secretary's executive assistant, if any; not to exceed six assistant secretaries, thirteen division directors, six regional directors and one confidential secretary for each of the above named officers; not to exceed six bureau directors and all superintendents of institutions of which the average daily population equals or exceeds one hundred residents: *Provided*, That each such confidential secretary must meet the minimum qualifications for the class of secretary 2 as determined by the state personnel board.

(10) In all departments except those mentioned in subsection (8) above, the executive head of which is appointed by the governor, the director, the director's confidential secretary, and the statutory assistant directors.

(11) In the case of a multimember board, commission or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or otherwise chosen.

(a) All members of such boards, commissions or committees.

(b) If the members of the board, commission or committee serve on a part-time basis and there is a statutory executive officer:

(i) The secretary of the board, commission or committee.

(ii) The chief executive officer of the board, commission or committee.

(iii) The confidential secretary of the chief executive officer of the board, commission or committee.

(c) If the members of the board, commission or committee serve on a full-time basis:

(i) The chief executive officer or administrative officer as designated by the board, commission or committee.

(ii) The confidential secretary to the chairman of the board, commission or committee.

(d) If all members of the board, commission or committee serve ex officio:

(i) The chief executive officer.

(ii) The confidential secretary of such chief executive officer.

(12) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state.

(13) Assistant attorneys general.

(14) Commissioned and enlisted personnel in the military service of the state.

(15) Resident, student, part-time or temporary employees, and part-time professional consultants as defined by the state personnel board to include:

(a) State and local officials serving ex officio and performing incidental administrative duties in the programs of the agency.

(b) Part-time local health officers.

(c) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties.

(d) Part-time or temporary employees who are enrolled as full-time students in recognized educational institutions and whose employment is largely to provide training opportunity, and all temporary employees not in federal grant-in-aid programs.

(e) Patient and resident help in the covered institutions.

(f) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the director of personnel to be equivalent.

(g) Washington state patrol trooper cadets in training for commissioning as troopers in the Washington state patrol.

(16) All officers and employees in those commissions made exempt by legislative action, namely:

(a) Washington state fruit commission.

(b) Washington state apple commission.

(c) Washington state dairy products commission.

(d) Washington state wheat commission.

(e) Officers and employees of any commission formed under the provisions of chapter 15.66 RCW.

(f) Agricultural commissions formed under the provisions of chapter 15.65 RCW.

(17) Up to a total of five senior staff positions of the Western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit.

(18) In the department of information services, up to twelve positions in the planning component involved in policy development and/or senior professionals.

(19) Up to five employees of the Washington basic health plan.

~~((20))~~ ~~Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: *Provided, however, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part-time agency vendors employed by the liquor control board, when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise or services as a self-sustaining private retail business.*~~

~~((21))~~ (20) Executive assistants, for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law.

~~((22))~~ (21) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency head.

~~((23))~~ (22) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing after proper notice, on requests submitted pursuant to this subsection. If the personnel board determines that the position for which exempting is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof,

the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred eighty-seven for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature all exemptions granted under this subsection and subsections ~~((21))~~ (20) and ~~((22))~~ (21) of this section, together with the reasons for such exemptions.

~~((24))~~ (23) While other provisions of these rules do not apply, the personnel board shall determine salaries and fringe benefits of incumbents in all exempt positions in agencies with positions under the jurisdiction of the personnel board, other than positions listed under subsections (5) through (8), (11)(a) and (b), and (12) through (16) ~~((and (20)))~~ of this section.

AMENDATORY SECTION (Amending WSR 93-19-147 (Order 432), filed 9/22/93, effective 10/23/93)

WAC 356-06-080 Personnel board—Powers—Duties.

It shall be the responsibility of the personnel board to:

(1) Establish general policies for the administration of merit system examinations and the hearing of personnel appeals.

(2) Make rules and regulations providing for employee participation in the development and administration of personnel policies.

(3) Hear personnel appeals.

(4) Promote public understanding of the purposes, policies, and practices of the merit system.

(5) Adopt and promulgate rules and regulations consistent with the purposes and provisions of the state civil service law and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(a) The demotion, suspension, reduction in salary or dismissal of an employee and appeals therefrom.

(b) Certification of names for vacancies including departmental promotions.

(c) Examinations for all positions in the competitive and noncompetitive service.

(d) Appointments.

(e) Probationary periods of six to twelve months and rejections therein.

(f) Transfers.

(g) Sick and vacation leaves.

(h) Hours of work.

(i) Layoffs, when necessary, and subsequent reemployment.

(j) Agreements between agencies and certified exclusive representatives providing for grievance procedures and collective negotiations on personnel matters.

(k) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of duties and responsibilities of each position. ~~((However, beginning July 1, 1993 through June 30, 1995, the board shall not adopt job classification revisions or class studies unless implementation of the~~

~~proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved in accordance with chapter 43.88 RCW.)) However, beginning July 1, 1995, in adopting these revisions the Board shall comply with 41.06.150(15) and 43.88 RCW.~~

(l) Allocation and reallocation of positions within the classification plan.

(m) Adoption and revision of a state salary schedule to reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature, with adoption and revision subject to approval by the director of the office of financial management in accordance with the provisions of chapter 43.88 RCW.

(n) Training programs, including in-service, promotional and supervisory.

(o) Regular ~~((increment[s]))~~ increments within the series of steps for each pay range, based on length of service for all employees whose standards of performance are such as to permit them to retain job status ~~(([in] [within]))~~ within the classified service. ~~((However, beginning July 1, 1993 through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993 exceeds \$3,750.))~~

(p) Compliance with existing veterans preference statutes.

AMENDATORY SECTION (Amending WSR 93-19-147 (Order 432), filed 9/22/93, effective 10/23/93)

WAC 356-10-020 Classification plan—Revision. The director shall submit proposed revisions to the classification plan to the board for review and approval.

(1) The board shall hold open hearings on the proposals after 20 days' notice to employee organizations and agencies. The board may modify the proposals.

(2) ~~((Beginning July 1, 1993 through June 30, 1995, the board shall not adopt job classification revisions or class studies unless implementation of the proposed revisions or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW.)) However, beginning July 1, 1995, in adopting these revisions the Board shall comply with 41.06.150(15) and 43.88 RCW.~~

AMENDATORY SECTION (Amending WSR 93-19-147 (Order 432), filed 9/22/93, effective 10/23/93)

WAC 356-14-110 Salary—Periodic increment dates—Original—Subsequent. (1) The periodic increment date (PID) is the date on which an employee automatically advances to a higher dollar amount in the range to which the employee's position is classified; provided

(a) The employee's basic salary is not already at or above the maximum step of the assigned range, or

(b) The employee's standards of performance are such as to permit retention in a job status ~~((, or)).~~

~~((e) Beginning July 1, 1993 through June 30, 1995, increment increases shall not be provided to any classified or~~

~~exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993 exceeds \$3,750.)~~

(2) The dollar amount of the increase will be two salary schedule increments; except

(a) The amount shall be one salary schedule increment if a two-increment increase would place the employee's basic salary above the maximum of the range of the employee's classification, or

(b) A fractional part of an increment amount shall be regarded as a full increment advance, if the employee's basic salary was between salary schedule steps immediately prior to the increase, or

(c) The dollar amount increase is stated otherwise in the compensation plan appendix or chapter 15.

(3) The original periodic increment date for an employee is:

(a) Six continuous months from the date the employee began work at the first step of a salary range, or

(b) One calendar year from the date on which the employee began work at an intervening salary step; provided that in either (a) or (b):

(i) Any work period starting before the 16th of the month will count as a full month.

(ii) Any work period starting after the 15th of the month will not be counted.

(iii) An employee at or above the maximum step of a salary range does not have a periodic increment date.

(4) The periodic increment date shall be recomputed following leaves of absence without pay, in accordance with WAC 356-18-220, breaks in service due to reduction in force or reversion action. In such adjustments, calendar months of pay status already spent at a step will be credited toward the time required to advance to the next available increase in that range.

(5) An employee's periodic increment date shall be set and remain the same unless subsequently changed in accordance with the provisions of the merit system rules.

WSR 95-19-055

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed September 15, 1995, 9:40 a.m.]

Date of Adoption: September 14, 1995.

Purpose: These rules govern the duties of the personnel resources, as well a periodic increment dates. These modifications were necessary to comply with 1995 legislative changes.

Citation of Existing Rules Affected by this Order: Amending WAC 251-04-050, 251-06-020, 251-08-005, and 251-08-090.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 95-14-131 on July 5, 1995.

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 4, 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 4, repealed 0.

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

September 15, 1995

Dennis Karras

Secretary

AMENDATORY SECTION (Amending WSR 93-19-147 (Order 432), filed 9/22/93, effective 10/23/93)

WAC 251-04-050 Higher education personnel board.

(1) The higher education personnel board is composed of three members appointed by the governor, subject to confirmation by the senate. Each odd-numbered year the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.

(2) Each member of the board is eligible to receive compensation in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the board or performs statutorily prescribed duties approved by the chairperson of the board. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally, in accordance with RCW 43.03.050 and 43.03.060.

(3) At its first meeting following the appointment of all its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.

(4) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. Meetings shall be held on campuses of the various state institutions of higher education. Meetings may be called by the chairman of the board, or a majority of the members of the board. Hearings may be conducted by a hearing officer duly appointed by the board. An official notice of the calling of a hearing shall be filed with the director and all members of the board shall be notified.

(5) No release of material, or statement of findings shall be made except with the approval of a majority of the board.

(6) In the conduct of hearings or investigations, a member of the board, or the director, or the hearing officer appointed to conduct the hearing, may administer oaths.

(7) It shall be the duty of the board to promulgate rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the board has given twenty calendar days' notice to, and considered proposals from employee representatives and institutions/related boards affected. In matters involving the various state community colleges, notice shall also be given to the state board for community college education. Complete and current compilations of all rules and regulations of the board in printed, mimeographed, or multigraphed form shall be available from the board without charge.

(8) The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examination for all positions in the competitive and noncompetitive service; appointments; probationary periods of six to twelve months and rejections therein depending on the job requirements of the class; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment according to seniority; determination of appropriate bargaining units within any institution or related board: *Provided*, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees and the desires of the employees; certification and decertification of exclusive bargaining representatives; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution/related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: *Provided*, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his/her official duties; adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position: ~~((*Provided, However That beginning July 1, 1993 through June 30, 1995, the board shall not adopt classification revisions or class studies unless the implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW;*)) However, beginning July 1, 1995, in adopting these revisions the Board shall comply with 41.06.150(15) and 43.88 RCW; allocation and reallocation of positions within the classification plans; adoption and~~

revision of salary schedules and compensation plans as provided in chapter 251-08 WAC; training programs including in-service, promotional, and supervisory; increment increases within the series of steps for each pay grade(~~(*Provided, However, That beginning July 1, 1993 through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993 exceed \$3,750*);~~ and veteran's preference as provided by existing statutes.

(9) After consultation with institution heads, employee organizations, and other interested parties, the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher education for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual institutions may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. This evaluation procedure shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling institution and job objectives.

AMENDATORY SECTION (Amending WSR 93-19-147 (Order 432), filed 9/22/93)

WAC 251-06-020 Classification plan—Adoption.

The proposed classification plan and any subsequent proposed revisions thereto shall be submitted to the board by the director for adoption, revision or rejection. After twenty calendar days' notice to and consideration of proposals from employee representatives, institutions, and related boards, the board shall hold open hearings on the plan. The plan shall become effective as determined by the board. ~~((*However, beginning July 1, 1993 through June 30, 1995, the board shall not adopt job classification revisions or class studies unless the implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW.*)) However, beginning July 1, 1995, in adopting these revisions the Board shall comply with 41.06.150(15) and 43.88 RCW. Thereafter, class titles so established shall be used in all personnel and financial records of an institution and in all recruitment and examination procedures.~~

AMENDATORY SECTION (Amending WSR 93-19-147 (Order 432), filed 9/22/93)

WAC 251-08-005 Compensation plans—General.

The director shall prepare, and subject to board approval shall periodically revise in a manner consistent with the development of the original plan, compensation plans for all classes. The plans shall provide for:

(1) Full compensation to each employee for all work assigned and performed.

(2) Regular salary increment increases based upon length of service for all employees whose performance is such as to permit them to retain job status in the classified service(~~(*Provided, However, That beginning July 1, 1993 through June 30, 1995, increment increases shall not be*~~

~~provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993 exceeds \$3,750).~~

(3) Assignment of each class to a salary range reflecting prevailing rates in other public employment and in private employment in this state or in the locality in which the institution is located, provided funds are available as defined in WAC 251-08-051.

(4) The rates in the salary schedules or plans to be increased if necessary to attain comparable worth.

(5) Equal pay for similar duties, responsibilities, and qualifications among classes as determined by the salary survey process.

(6) Such other provisions as are appropriate in the establishment and maintenance of compensation equity in relation to prevailing practices found in Washington state private industries and other governmental units.

AMENDATORY SECTION (Amending WSR 93-19-147 (Order 432), filed 9/22/93, effective 10/23/93)

WAC 251-08-090 Salary—Periodic increment. (1) Employees whose performance permits them to retain job status in the classified service shall receive periodic increments within the steps of the salary range. The salary of each employee shall be increased two steps on the periodic increment date and annually thereafter on the periodic increment date, not to exceed the maximum step of the range. An exception to the two step movement on the periodic increment date are those employees who occupy classes included in the higher education personnel board locality special pay plan per WAC 251-09-090 which applies only to University of Washington hospitals. The salary of each employee under this plan shall be increased as specified in the higher education personnel board hospital special pay plan.

(2) When the periodic increment date falls on the same effective date as another salary action, the periodic increment shall be applied prior to, and in addition to, any other action resulting in a salary increase or decrease.

~~((3) However, beginning July 1, 1993 through June 30, 1995, increment increases shall not be provided to any classified employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993 exceeds \$3,750.))~~

WSR 95-19-056

PERMANENT RULES

DEPARTMENT OF PERSONNEL

[Filed September 15, 1995, 9:42 a.m.]

Date of Adoption: September 15, 1995.

Purpose: These modifications result from legislative action which removed the restriction on periodic increments for employees earning \$3,750 per month. Beginning July 1, 1995, entitled employees will resume receiving increases. This modification also removes the restriction that progression adjustments must be within \$3,750 monthly salary limit.

Citation of Existing Rules Affected by this Order: Amending WAC 356-56-050 Transition and 356-56-115 Salary adjustments.

Statutory Authority for Adoption: RCW 41.06.500.

Adopted under notice filed as WSR 95-14-132 on July 5, 1995.

Changes Other than Editing from Proposed to Adopted Version: Additional language was changed to clarify periodic increments during transition and to clarify exceptions to the ten percent limit on increases.

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 2, 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 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: Thirty-one days after filing.

September 15, 1995

Dennis Karras

Director

AMENDATORY SECTION (Amending WSR 94-20-022, filed 9/26/94, effective 10/28/94)

WAC 356-56-050 Transition. (1) Until such time that an agency completes the initial evaluation of the position (as described in WAC 356-56-105) or changes the position, the incumbent and position when initially placed in the Washington management service will:

(a) Retain current salary;

(b) Immediately assume permanent status in the Washington management service for permanent status employees;

(c) Obtain permanent status upon completion of the probationary or trial service time period for employees in trial service or probationary status at the time of transition; and,

(d) Continue in the current work period designation until changed by the agency.

(2) Until all positions in an agency are evaluated in accordance with WAC 356-56-105, employees shall be treated in accordance with WAC 356-30-330 should a reduction in force occur.

(3) ~~(Incumbents in positions transitioned into Washington management service will continue to receive periodic increments as specified in WAC 356-14-110 within the forty-five thousand dollar salary limit set by the 1993 legislature).~~ Upon transition of their current position from Washington general service into the Washington management service, incumbent employees eligible to receive periodic increments shall continue to receive annual periodic increments until their salary reaches or exceeds the top step of the former range, as specified in WAC 356-14-110.

(4) Permanent status employees who are in project positions at the time their regular positions are placed in the

Washington management service, have return rights to the same or similar Washington management service positions.

(5) Incumbents of project positions that are transitioned to the Washington management service will retain the return, reduction-in-force, voluntary demotion, transfer and promotion rights and requirements as provided in WAC 356-30-145.

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 94-12-055, filed 5/27/94, effective 7/1/94)

WAC 356-56-115 Salary adjustments. (1) Adjustments to the compensation for a position with no change in evaluation points shall not exceed the maximum or fall below the minimum amount set by the director of personnel for the management band. After the initial transition evaluation, salary adjustments initiated by the agency, other than for promotion or demotion, will not normally exceed a total of ten percent for a single fiscal year. Excluded from the ten percent limit on salary increases are annual periodic increments, legislatively approved increases, movement of a position to the minimum of the band, initial transition evaluation adjustments, and promotional increases. Requests for exception may be granted only by the director of personnel. Salary adjustments may be made under the following conditions:

(a) Legislatively directed general and/or special increase;

(b) Documented recruitment and/or retention problems as approved by the agency director or designee;

(c) Documented agency and/or state internal salary relationship problems, as approved by the agency director or designee; or

(d) Progression adjustments may be granted in recognition of the employee's demonstrated growth and development following initial transition, hire, transfer, or a promotion by up to five percent annually, for a maximum total of twenty percent. ~~((Progression adjustments must be within the forty five thousand dollar salary limit established by the 1993 legislature until such time as the limit is changed or removed.))~~

(2) Voluntary movement in or to a position of lower evaluation points may result in a salary decrease which exceeds ten percent but does not fall below the minimum amount of the band.

(3) A promotion is the assignment of additional responsibilities which results in higher evaluation points for the same position, or movement to a different position that has higher evaluation points. Promotional increases may exceed ten percent.

(4) A disciplinary demotion for cause is the assignment of responsibilities which results in lower evaluation points for the same position, or movement to a different position that has lower evaluation points. The resulting salary decrease may exceed ten percent and must be in conformance with the provisions of the Fair Labor Standards Act.

(5) Involuntary downward movement based on a nondisciplinary reassignment of duties that results in lower evaluation points for an employee's present position shall not cause a decrease in the employee's current salary. The

employee's current salary will be retained until such time as it is exceeded by the Washington management service salary structure or the employee leaves the position.

(6) An agency may provide a lump sum recognition payment within guidelines established by the department of personnel in recognition of documented exceptional work and performance results. Such compensation shall not become a permanent salary increase but is considered to be income for recognizing documented exceptional work and performance results. A payment made as a lump sum for recognition purposes shall be included within the ten percent annual adjustment limitation in the fiscal year in which it is paid.

WSR 95-19-057

PERMANENT RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-433, Docket No. UG-950625—Filed September 15, 1995, 10:31 a.m.]

In the matter of adopting WAC 480-93-223.

The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 95-08-067 [95-16-033], filed with the code reviser on July 21, 1995. The commission brings this proceeding pursuant to authority granted in RCW 80.01.040.

This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 34.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The commission is authorized to promulgate this rule by RCW 80.01.040, 80.28.210 and chapter 247, Laws of 1995.

The commission has been certified to participate in the federal natural gas pipeline safety program under the Pipeline Safety Law, 49 U.S.C. § 60101ff. Certification requires that commission gas safety regulations remain consistent with federal pipeline safety rules. 49 U.S.C. § 60105. Civil penalty limits in federal rules have changed since the commission last adopted the federal rules by reference, and the legislature in chapter 247, Laws of 1995 authorized the commission to increase penalties by rule to the level required by existing federal law. This rule making is needed and specifically authorized, therefore, to bring the commission's rules into consistency with federal rules.

The commission scheduled this matter for oral comment and adoption under Notice No. WSR 95-16-033 for 9:00 a.m., Wednesday, September 13, 1995, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission until September 1, 1995. The commission received one written comment after the publication of notice of its intention to adopt a rule.

Commission staff conducted a workshop-style meeting on August 1, 1995, and invited all natural gas companies to attend. Representatives of Cascade Natural Gas, Washington Natural Gas, and the Washington Water Power Company attended; Northwest Natural Gas commented verbally to

commission staff prior to the meeting but did not attend the meeting.

Affected companies suggested that the commission adopt a two-tiered penalty system, with violations of federal requirements taking a higher penalty as required by federal law and violations of exclusively state requirements taking a lower penalty. Commission staff expressed concern that such an approach would be difficult to administrate. The federal Office of Pipeline Safety wrote to the commission, opposing a tiered penalty structure for safety violations and the saying that such a penalty structure may not comply with federal requirements. The commission declines to adopt the proposed change, because of difficulty in administration and because the proposal would impose a substantial risk of noncompliance with federal requirements.

The proposed rule was considered for adoption at the commission's regularly scheduled open public meeting on September 13, 1995, before Chairman Sharon L. Nelson and Commissioner William R. Gillis. Tim Bell of the commission staff made oral comments, supporting the proposed rule. No other persons commented.

The new rule does not vary from the federal law, or result in any additional cost to gas operators that operate in compliance with the safety rules. The adoption of the new rule will put the rules into compliance with federal requirements, consistent with specific authority in chapter 247, Laws of 1995.

In reviewing the entire file, the commission determines that it should adopt the proposed WAC 480-93-223 as noticed, to read as set forth in Appendix A, shown below and included in it by this reference. It rejects the proposal to create a two-tiered penalty system distinguishing between state and federal requirements because of difficulties in administration and because doing so poses a substantial risk of noncompliance on the Washington state program.

ORDER

THE COMMISSION ORDERS That WAC 480-93-223, as set forth in Appendix A, shown below is adopted as a permanent rule of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.360, to be effective with the expiration of thirty days after filing in the office of the code reviser, pursuant to RCW 34.05.380(2).

THE COMMISSION FURTHER ORDERS That this order and the rule set forth in Appendix A, shown below after being first recorded in the order register of the Washington Utilities and Transportation Commission, be forwarded to the code reviser for filing pursuant to chapters 34.05 RCW and 1-21 WAC.

THE COMMISSION Adopts the commission staff memoranda, presented when the commission considered noticing and adopting this proposal, as its concise explanatory statement of the reasons for adoption, under RCW 34.05.355.

For code reviser statistical purposes:

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, amended 0, repealed 0; Federal Rules or Standards: New 1, 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.

DATED at Olympia, Washington, this 13th day of September 1995.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
William R. Gillis, Commissioner

NEW SECTION

WAC 480-93-223 Civil penalty for violation of RCW 80.28.210 or regulations issued thereunder—Maximum amount. (1) Any gas company which violates any public safety provision of RCW 80.28.210 or regulation issued thereunder is subject to a civil penalty not to exceed twenty-five thousand dollars for each violation for each day that the violation persists. The maximum civil penalty under this subsection for a related series of violations is five hundred thousand dollars. This subsection applies to violations of public safety requirements including WAC 480-90-101 and including chapter 480-93 WAC except for WAC 480-93-160 and 480-93-200 (1)(e).

(2) Any gas company violating any other provision of RCW 80.28.210 or regulations promulgated thereunder, including WAC 480-93-160 and 480-93-200 (1)(e), shall be subject to a civil penalty not to exceed one thousand dollars for each violation for each day that the violation persists, but the maximum civil penalty shall not exceed two hundred thousand dollars for a related series of violations.

(3) The commission may compromise any civil penalty pursuant to RCW 80.28.210.

WSR 95-19-058
PERMANENT RULES
BOARD OF BOILER RULES
[Filed September 15, 1995, 10:45 a.m.]

Date of Adoption: September 21 [12], 1995.

Purpose: To comply with actions taken by the Board of Boiler Rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-104-120; and amending WAC 296-104-015, 296-104-020, 296-104-025, 296-104-030, 296-104-035, 296-104-040, 296-104-045, 296-104-100, 296-104-105, 296-104-110, 296-104-115, 296-104-130, 296-104-135, 296-104-140, 296-104-145, and 296-104-150.

Statutory Authority for Adoption: RCW 70.79.030 and 70.79.040.

Adopted under notice filed as WSR 95-15-103 on July 19, 1995.

Changes Other than Editing from Proposed to Adopted Version: WAC 296-104-045 and 296-104-100, editorial changes for clarification only.

PERMANENT

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 17, repealed 1.

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 17, 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 17, repealed 1.

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

September 12, 1995

Robert Reid
Chairman

AMENDATORY SECTION (Amending WSR 91-11-107, filed 5/22/91, effective 6/22/91)

WAC 296-104-015 Administration—Board meetings. The board of boiler rules shall hold its regular meetings in January, March, May, September and November of each year. The time, place, and date of each regular meeting shall be set by the chairman of the board and published annually. Special meetings may be called by the chairman when considered necessary by the board. The chief inspector will serve as secretary to the board without vote.

AMENDATORY SECTION (Amending Order 74-37, filed 11/8/74)

WAC 296-104-020 Administration—Filing requirements before installation. Manufacturers data reports on boilers and pressure vessels as required by the provisions of the ASME Code ~~((and the National Board of Boiler and Pressure Vessel Inspectors))~~ shall be filed by the owner or his agent with the chief inspector or the National Board of Boiler and Pressure Vessel Inspectors before installation. When the boilers or pressure vessel are of special design or construction not covered by the ASME Code (unless otherwise exempted by the rules and regulations), the ~~((proposed))~~ owner or user shall apply to the ~~((chief inspector))~~ board of boiler rules in writing for permission to install such boilers or pressure vessels and shall supply such details of design and construction as may be required by the ~~((chief inspector))~~ board of boiler rules and ~~((his))~~ approval shall be secured before construction is started. When ~~((used or))~~ second hand boilers or pressure vessels are to be ~~((installed))~~ reinstalled, the owner or user shall ~~((similarly apply))~~ file a data report or construction details, as required, and secure approval from the chief inspector before starting installation.

AMENDATORY SECTION (Amending Part II, filed 3/23/60)

WAC 296-104-025 Administration—Owner to notify chief inspector ~~((in case))~~ of accidents. When an accident occurs which ~~((serves to))~~ renders a boiler or unfired

pressure vessel inoperative, the owner or user shall immediately notify the chief inspector, and submit a detailed report of the accident. In cases of serious accidents, such as explosions or those resulting in personal injury, notice to the chief inspector shall be given immediately by telephone ~~((telegraph,))~~ or ~~((messenger and))~~ electronic means designed to assure its earliest possible receipt. Neither the boiler or unfired pressure vessel nor any parts thereof shall be removed or disturbed before ~~((and))~~ an inspection has been made by the chief inspector, ~~((deputy inspector or special inspector, unless))~~ or his designee except for the purpose of saving life or limiting consequential damage. The inspector making the investigation and inspection shall report to the chief inspector as soon as possible. The boiler or pressure vessel owner shall be responsible for all costs of the department's investigation.

AMENDATORY SECTION (Amending Part II, filed 3/23/60)

WAC 296-104-030 Administration—Penalty for operation of unsafe boilers or unfired pressure vessels. ~~((If upon inspection))~~ In the event that a boiler or unfired pressure vessel is ~~((found to be in such condition that it is))~~ unsafe to operate, the inspection certificate shall be suspended ~~((by the inspector)).~~ Any person, firm, partnership, or corporation causing such objects to be operated under pressure without a valid certificate of inspection shall be ~~((subject to the provisions))~~ in violation of RCW ((70.79.310)) 70.79.320 and subject to the penalties specified in WAC 296-104-701.

AMENDATORY SECTION (Amending Part II, filed 3/23/60)

WAC 296-104-035 Administration—~~((Inspectors to have no other))~~ Conflict of interests. Inspectors commissioned by the state of Washington shall not ~~((be engaged))~~ engage in the sale of any service, article, or device ~~((related))~~ or promote any other activity for personal gain relating to boilers or unfired pressure vessels ~~((and shall devote their full time to inspection work))~~ or their appurtenances.

AMENDATORY SECTION (Amending Order 74-37, filed 11/8/74)

WAC 296-104-040 Administration—Inspector's ~~((to submit))~~ inspection reports. Inspectors shall submit reports of inspections of boilers and unfired pressure vessels on appropriate forms ~~((as))~~ approved by the chief inspector. Routine reports of inspections shall be submitted within thirty days of inspection. ~~((Requests for variance from regular inspection date shall be in writing. When hazardous conditions are discovered during any inspection remedial action shall be initiated at once and reported to the chief inspector.))~~ Reports of reinspection after suspension of an inspection certificate shall be submitted by an inspector employed by the in-service inspection agency as soon as notice of corrective action has been received so that the vessel certificate can be reinstated and the boiler or unfired pressure vessel lawfully operated.

AMENDATORY SECTION (Amending Part II, filed 3/23/60)

WAC 296-104-045 Administration—Insurance companies' ~~((to notify the chief inspector of new, canceled or suspended risks))~~ **responsibilities.** All insurance companies shall notify the chief inspector within thirty days of all boiler or unfired pressure vessel risks written, canceled, not renewed or suspended because of unsafe conditions. Special inspectors shall perform all in-service inspections of boilers and unfired pressure vessels insured by their employer. After a repair or alteration the in-service inspector is responsible to assure an R-1 form is completed and submitted to the department.

AMENDATORY SECTION (Amending WSR 94-21-002, filed 10/5/94, effective 11/5/94)

WAC 296-104-100 Inspection—Frequency of inspections. Power boilers shall be inspected annually both internally and externally while not under pressure, and annually externally while under pressure, except organic vapor boilers which shall be internally inspected biennially and externally annually.

Low pressure heating boilers shall be inspected externally biennially. ~~((Where construction permits,))~~ They shall in addition be inspected internally ((at the same time)) biennially except where construction does not permit an internal inspection or those nonvapor boilers using glycol, oil, or adequately treated with a corrosion inhibitor. In addition to the required external inspection, low pressure steam boilers shall, as a minimum, have a biennial internal inspection of their low water fuel cutoff.

Unfired pressure vessels shall be inspected externally biennially. Where subject to corrosion and construction permits they shall in addition be inspected internally biennially or at intervals established in accordance with the NBIC or API-510 when utilized by an owner/user inspection agency.

When internal intervals are extended by an owner/user inspection agency, based on the NBIC or API-510, ultrasonic examination is required at the biennial external certificate inspection.

Unfired pressure vessels not subject to internal corrosion shall be inspected externally biennially.

AMENDATORY SECTION (Amending Part III, filed 3/23/60)

WAC 296-104-105 Inspection—Notification of inspection. The owner or user shall prepare each boiler and unfired pressure vessel for internal inspection and shall prepare for and apply a hydrostatic pressure test whenever necessary on the date specified by the inspector ~~((, which date shall not be less than))~~. Seven days ((after the date of)) will be considered sufficient notification.

AMENDATORY SECTION (Amending Part III, filed 3/23/60)

WAC 296-104-110 Inspection—~~((Inspectors to notify the chief inspector of))~~ **Unsafe or defective boilers or unfired pressure vessels.** If an inspector, upon inspection of a boiler or unfired pressure vessel or ~~((any of their))~~

~~appurtenances finds ((that they do not comply with the Washington state boiler and unfired pressure vessels law rules and regulations, he shall immediately notify the chief inspector and submit a report of the defects))~~ hazardous conditions such that it is unsafe to operate under pressure, remedial action shall be initiated at once. A red tag indicating "unsafe - do not use" shall be attached to the principle operating control and the owner or user advised that further operation is prohibited until specified repairs or other action are taken. The chief inspector shall be notified immediately, followed by a report on the condition. Any certificate in force is considered suspended. When reinspection establishes that necessary repairs have been made or corrective action taken so that the boiler or unfired pressure vessel is safe to operate, a report of reinspection shall be submitted to the chief inspector. The certificate of inspection will then be reinstated or a new certificate issued as appropriate.

If other defects, but not unsafe conditions, are found, a routine inspection report containing a noncompliance report shall be submitted to the chief inspector and the owner or user allowed to operate the object for a period as specified by the inspector until corrective action is completed.

AMENDATORY SECTION (Amending Part III, filed 3/23/60)

WAC 296-104-115 Inspection—Defective conditions ~~((disclosed at time of external inspection))~~ **concealed by covering.** If upon an external inspection there is evidence of a leak or crack, enough of the covering of the boiler or unfired pressure vessel shall be removed to satisfy the inspector in order that he/she may determine as to the safety of the boiler or unfired pressure vessel, or if the covering cannot be removed at the time, he may order the operation of the boiler or unfired pressure vessel stopped until such time as the covering can be removed and proper examination made.

AMENDATORY SECTION (Amending Part III, filed 3/23/60)

WAC 296-104-130 Inspection—Validity of inspection certificate. An inspection certificate, issued in accordance with RCW 70.79.290, shall be valid until expiration unless some defect or condition affecting the safety of the boiler or unfired pressure vessel is disclosed ~~((: Provided, however, That a certificate issued for a boiler or unfired pressure vessel inspected by a special inspector shall be valid only if the boiler or unfired pressure vessel for which it was issued continues to be insured by a duly authorized insurance company or operated by a duly authorized company))~~ or the conditions of RCW 70.79.300 apply.

When portable unfired pressure vessels are inspected and certified by the state or the city jurisdictions of Spokane, Seattle or Tacoma, the certificates will be considered valid certificates provided they are posted on or near the vessel, and provided there is an agreement between that city and the state.

AMENDATORY SECTION (Amending Part III, filed 3/23/60)

WAC 296-104-135 Inspection—Restamping of boilers and unfired pressure vessels. When the stamping on a boiler or unfired pressure vessel becomes indistinct the inspector shall instruct the owner or user to have it restamped. Request for permission to restamp the boiler or unfired pressure vessel shall be made to the chief inspector and proof of the original stamping shall accompany the request (~~authorized by the chief inspector~~). Restamping authorized by the chief inspector shall be done only (by) in the presence of an inspector, and shall be identical with the original stamping except that it will not be required to restamp the ASME symbol. Notice of completion of such restamping shall be filed with the chief boiler inspector by the inspector who (stamped) witnessed the restamping of the boiler or unfired pressure vessel together with a facsimile of the stamping applied.

AMENDATORY SECTION (Amending Order 73-1, filed 3/22/73)

WAC 296-104-140 Inspection—State stamp. Upon completion of the installation, all boilers and unfired pressure vessels shall be inspected by the chief inspector, a deputy inspector, or a special inspector. At the time of this inspection, each boiler or unfired pressure vessel shall be (stamped) marked with a serial number of the state of Washington followed by the letter "W," said letter and figures to be not less than 5/16 in. in height. The (stamping) marking shall not be concealed by lagging or paint and shall be exposed at all times. (A metal tag 1 inch by 3 inches minimum, with the state number stamped thereon may be used where construction does not permit a direct stamp on the boiler or unfired pressure vessel.)

Data sheets (properly filled in and signed) shall be made available at the time of first inspection if not filed with the National Board.

Washington special numbers when assigned by the chief inspector shall be preceded by the letters: WS.

AMENDATORY SECTION (Amending Part III, filed 3/23/60)

WAC 296-104-145 Inspection of systems. A group of unfired pressure vessels operating as a single unit such as the vessels in a refrigeration system, evaporators, ironers and paper machines (shall be classed as a single unit and shall) may be given one number, designating the different vessels of the unit as a-b-c, etc. The inspector's report shall cover all pressure vessels in the system individually. One certificate shall be issued for the unit. Certificate charge shall be as outlined in RCW 70.79.290, for each vessel of the system.

AMENDATORY SECTION (Amending Part III, filed 3/23/60)

WAC 296-104-150 Inspection ~~(of systems)~~—Unfired steam boilers. Unfired steam boilers operating at pressures of 50 psi or more shall be inspected as power boilers. Unfired steam boilers operating at less than 50 psi shall be inspected as unfired pressure vessels.

AMENDATORY SECTION (Amending Part III, filed 3/23/60)

WAC 296-104-155 Inspection ~~(of systems)~~—Preparation for internal inspection. The owner or user shall prepare a boiler for internal inspection in the following manner or as required by the inspector:

(a) Water shall be drawn off and the boiler thoroughly washed.

(b) All manhole and handhole plates and wash-out plugs and water column connections shall be removed, the furnace and combustion chambers thoroughly cooled and cleaned.

(c) All grates of internally fired boilers shall be removed.

(d) At each annual inspection brickwork shall be removed as required by the inspector in order to determine the condition of the boiler headers, furnace, supports, or other parts.

(e) The steam ~~(gauge)~~ gauge shall be removed for testing or evidence of testing shown.

(f) Any leakage of steam or hot water into the boiler shall be cut off by disconnecting the pipe or valve at the most convenient point.

(g) The low water cutout shall be disassembled to such a degree as the inspector shall require.

AMENDATORY SECTION (Amending Part III, filed 3/23/60)

WAC 296-104-160 Inspection ~~(of systems)~~—Boilers or unfired pressure vessels improperly prepared for inspection. If a boiler or unfired pressure vessel has not been properly prepared for an internal inspection, or the owner or user fails to comply with the requirements for hydrostatic test as set forth in these rules, the inspector may decline to make the inspection or test and the certificate of inspection shall be withheld until the owner or user complies with the requirements.

Unfired pressure vessels shall be prepared for inspection to the extent deemed necessary by the inspector.

AMENDATORY SECTION (Amending Part III, filed 3/23/60)

WAC 296-104-165 Inspection ~~(of systems)~~—Removal of covering to permit inspection. If the boiler or unfired pressure vessel is jacketed so that the longitudinal seams of shells, drums, or domes cannot be seen, enough of the jacketing, setting wall, or other form of casing or housing shall be removed so that the size of the rivets, pitch of the rivets, and other data necessary to determine the safety of the boiler or unfired pressure vessel may be obtained provided such information cannot be determined by other means.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-104-120 Inspection—Condemned boilers or unfired pressure vessel.

WSR 95-19-069
PERMANENT RULES
GAMBLING COMMISSION

[Filed September 18, 1995, 2:55 p.m., effective January 1, 1996]

Date of Adoption: September 15, 1995.

Purpose: Clarify the content and purpose of record-keeping requirements for charitable and nonprofit organizations.

Citation of Existing Rules Affected by this Order: Amending WAC 230-08-010, 230-08-095, and 230-12-020.

Statutory Authority for Adoption: RCW 9.46.070 (8), (9).

Adopted under notice filed as WSR 95-14-096 on June 30, 1995.

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 1, amended 3, 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.

Effective Date of Rule: January 1, 1996.

September 18, 1995

Michael Aoki-Kramer
Rules and Policy Coordinator

AMENDATORY SECTION (Amending Order 261, filed 12/5/94, effective 1/5/95)

WAC 230-08-010 Monthly records. Every person or organization licensed to operate any gambling activity shall maintain permanent monthly records of all financial transactions directly or indirectly related to gambling activities. Each record shall include, but not necessarily be limited to, all details of the following:

(1) All financial transactions completed by the licensee and contain enough detail to determine compliance with the requirements of WAC 230-04-024, 230-04-080, and 230-08-122((-));

(2) Each licensed activity shall be recorded separately and include all transactions occurring during a calendar month. These records shall be complete in every detail and available for audit or inspection by agents of the commission or other law enforcement personnel no later than thirty days following the end of each month: *Provided*, That businesses licensed to operate punchboards and pull tabs as commercial stimulants shall complete monthly records no later than fifteen days following the end of each month and such shall be available for audit or inspection the next day((-));

(3) The gross gambling receipts from the conduct of each of the activities licensed((-);

(4) Full details on all expenses related to each of the activities licensed((-);

(5) The total cost of all prizes paid out for each of the activities licensed((-);

(6) With respect to those organizations licensed as qualified bona fide charitable or (~~bona fide~~) nonprofit organizations, except agricultural fairs, records shall clearly show in detail how (~~these~~) the proceeds from each licensed activity obtained by the licensee were used or disbursed by that licensee. These records shall provide an audit trail satisfactory to allow verification that the funds were used for the organization's purpose(s). These records will include, but not be limited to, canceled checks for the subject disbursements;

(7) With respect to commercial stimulant licensees, records shall include at least the following details:

(a) Gross sales of food and drink for consumption on their licensed premises;

(b) Gross sales of food and drink for consumption off the licensed premises; and

(c) Gross sales from all other business activities occurring on the licensed premises.

(8) In addition to any other requirement set forth in these rules, licensees for the operation of punchboards and pull tabs shall be required to prepare a detailed monthly record for punchboards and pull tab series removed from play during that month. This detailed monthly record shall be recorded in a standard format prescribed by the commission: *Provided*, That punchboard and pull tab monthly records may be stored in computer data bases if:

(a) Computer data base records are not the primary storage medium and all original input control documents supporting data maintained in computer data bases are retained by the licensee;

(b) A "hard copy" report organizing the data maintained in the computer data base is generated for each month. This report must be completed and available for review no later than thirty days following the end of the month((-);

(c) An up-to-date "hard copy" report is provided within three days upon request of commission agents, law enforcement personnel, or local tax authorities;

(d) Reports generated from the computer data base provide((-)) all data required by subsection (9) of this section; and

(e) Reports generated from the computer data base organize((-)) the required data in an order that approximates the standard format and does not impede audit((-);

(9) Monthly records for punchboards and pull tabs shall disclose for each punchboard and pull tab series the following information:

(a) The name of the punchboard or pull tab series;

(b) The Washington state identification and inspection services stamp number recorded by attaching a records entry label: *Provided*, That in lieu of the records entry label, licensees may use a facsimile of the bar coded Washington state identification and inspection services stamp number which is generated by a printer interfaced with a computer data base, if the following standards and procedures are followed:

(i) The Washington state identification and inspection services stamp number must be electronically input into the data base by scanning the stamp with a bar code reader;

(ii) Records must be printed on white paper. Facsimiles of the bar coded Washington state identification and inspection stamp numbers must be at least one-quarter inch in height with a "quiet zone" on at least one-quarter inch of each side of the bar code;

(iii) Bar code facsimiles must be code "interleaved two of five" (USS-12/5) with a readability rate of at least 99.0% with a maximum of three passes with commission bar code reading equipment. Each licensee will be responsible for the accuracy of printouts and ensuring that bar codes are electronically readable. It is recommended that specifications of a printer be reviewed for capability to meet minimum standards prior to purchase or lease and that the printer be equipped with a serviceable ribbon(±);

(c) The date removed from play;

(d) The total number of tabs in each pull tab series or the total number of punches in each punchboard;

(e) The number of pull tabs or punches remaining after removal from play;

(f) The number of pull tabs or punches played from the pull tab series or punchboard;

(g) The cost to the players to purchase one pull tab or one punch;

(h) The gross gambling receipts as defined in WAC 230-02-110;

(i) The total prizes paid, including both cash and merchandise (calculated by the cost to the licensee) prizes;

(j) The net gambling receipts (gross gambling receipts less total prizes paid);

(k) The cash over or short determined by:

(i) Subtracting actual cash from net gambling receipts for punchboards and pull tabs which award cash prizes; and

(ii) Subtracting actual cash from gross gambling receipts for punchboards and pull tabs which award merchandise prizes(±);

(l) The actual cash received from the operation of each pull tab series or punchboard: *Provided*, That when more than one series of pull tabs is sold from a single dispensing device and the dispensing device is equipped with recording devices or meters which provide an accounting of the number of tabs dispensed from each individual series, the actual cash received may be computed by use of the meter readings. If this method is used to account for actual cash, all series in each dispensing device shall be played out at least once each calendar quarter and the combined cash over or short calculated for all series played from each dispensing device during the period by reconciling the total cash removed from the dispensing device to the total tabs sold from that dispensing device. The combined cash over or short shall be recorded as required by (k) of this subsection;

(m) With written commission approval, licensees operating pull tabs to stimulate food and drink sales may record (k) and (l) of this subsection in total on a daily, weekly, or monthly basis, if their recordkeeping procedures meet commission standards.

(10) Copies of all additional financial data which support tax reports to any and all governmental agencies(±); and

(11) Each of these records shall be maintained by the licensee for a period of not less than three years from the end of the fiscal year for which the record is kept unless released by the commission from this requirement as to any particular record or records.

AMENDATORY SECTION (Amending Order 240, filed 6/17/93, effective 7/18/93)

WAC 230-08-095 Minimum standards for ~~((Class D and above bingo games—))~~ monthly and annual accounting records—Charitable or nonprofit organizations. Each ~~((operator of bingo games licensed in))~~ charitable or nonprofit organization licensed to conduct bingo at Class D or above or authorized to receive more than five hundred thousand dollars gross gambling receipts from combined gambling activities during any calendar year shall maintain accounting records necessary to document all receipts and disbursements of the licensee, including but not limited to those related to ~~((bingo))~~ gambling activities.

(1) This accounting system shall be double entry and conform to ~~((general))~~ generally accepted accounting principles (GAAP), except as modified by other commission rules and instructions for activity reports(±);

(2) The accrual method of accounting shall be mandatory and all income shall be recorded when earned and all expenses recorded when incurred: *Provided*, That the cash, modified cash, or tax basis accounting methods may be allowed if such method accurately represents the licensee's financial position and results of operations and the licensee does not have substantial liabilities or expenses not requiring a current outlay of cash, such as depreciation or amortization expenses.

(3) Organizations shall adopt a capitalization policy that is based on materiality and expected life of operating assets. ~~((Class F and above bingo))~~ Licensees ~~((are authorized to))~~ shall use the following guidelines for determining a minimum level for capitalizing assets:

(a) Assets exceeding two thousand dollars and having a useful life that exceeds one year ~~((should))~~ shall be capitalized and depreciated or amortized over the useful life of the asset;

(b) Preoperating start-up costs related to bingo games that exceed six thousand dollars ~~((should))~~ shall be capitalized and amortized over sixty months, beginning with the first month that bingo games are conducted; and

(c) Leasehold improvements related to ~~((bingo games and exceeding two))~~ gambling activities, and activities conducted in conjunction with gambling activities, which exceed six thousand dollars ~~((should))~~ shall be amortized over a period that does not exceed the life of the lease: *Provided*, That the amortization period may be extended to include any lease option periods if the organization's management states a reasonable expectation that the option will be exercised. All unamortized leasehold improvements shall be charged as an expense of the ~~((bingo game))~~ gambling activities in the year that the lease expires.

(4) The minimum accounting records required shall include:

- (a) A cash disbursements journal and/or check register;
- (b) A cash receipts and/or sales journal;

(c) A listing of all assets (~~and~~) for which the organization paid or, if donated, valued at more than two hundred fifty dollars. If donated to the organization, the fair market value at the time of donation will be used as the determining value. Items shall be added to the listing no later than thirty days after receipt and removed only when the organization no longer has legal ownership. Regardless of whether an item has become obsolete or completely depreciated, it shall be removed only after appropriate management review has been completed and documented. A depreciation schedule shall suffice for this requirement for all capitalized items. Items converted from gambling merchandise prize inventory, required by WAC 230-08-110, to be used by the organization shall be added to this listing when converted. This listing shall include at least the following:

- (i) A description of the item;
- (ii) The date purchased, acquired by donation, or converted from the gambling prize pool;
- (iii) The cost at the time of purchase or, if donated, the fair market value at the time received; and
- (iv) The date and method of disposition of the item;
- (d) A listing of all liabilities;
- ~~((d))~~ (e) A complete general ledger system must be maintained if the licensee has substantial assets and/or liabilities or if licensed to receive more than \$300,000 in gross gambling receipts; and
- ~~((e))~~ (f) Bank statements, related deposit slips, and cancelled checks.

(5) All expenditures by the licensee relating to gambling activities, shall be sufficiently documented. Cancelled checks and bank statements are not sufficient documentation without further support. Additional support for expenditures shall be provided in the following manner:

(a) Invoices or other appropriate supporting documents from commercial vendors or service agencies should contain at least the following details:

- (i) The name of the person or entity selling the goods or providing the service;
- (ii) A complete description of goods or services purchased;
- (iii) The amount of each product sold or service provided;
- (iv) The price of each unit;
- (v) The total dollar amount billed; and
- (vi) The date of the transaction.

(b) Disbursements, in excess of twenty-five dollars, made directly to individuals, who do not furnish normal, business type, invoices or statements, ~~((should))~~ shall be made by check and supported by other written documentation indicating at least the following details:

- (i) The name of the person receiving the payment;
- (ii) The amount;
- (iii) The date; and
- (iv) The purpose.

~~((e) Normally, cancelled checks and/or bank statements without further support, such as listed in (5)(a) and (b) above, are not considered sufficient documentation.)~~

(6) All expenditures by the licensee relating to nongambling activities shall be sufficiently documented to provide an audit trail satisfactory to allow verification that the funds were used for the organization's purpose(s) and conforms to generally accepted accounting principles.

NEW SECTION

WAC 230-08-110 Prize inventory control procedures—Records required—Charitable or nonprofit organizations. Charitable or nonprofit organizations shall safeguard and prevent misuse or misappropriation of all assets, including items purchased or otherwise obtained with an intent for use as prizes in conjunction with gambling activities. An inventory control record shall be maintained for each item purchased or otherwise obtained with an intent to use such as prizes for gambling activities. The inventory control record shall provide at least the following details:

- (1) A description and quantity of the items purchased;
- (2) The per-unit cost;
- (3) The date purchased;
- (4) The vendor's name (or reference number) and invoice number;
- (5) The date, number of items, and reasons for items being removed from the inventory (issued as prize, returned to the vendor, converted for use by the organization, etc.); and
- (6) Cumulative quantity of items remaining in inventory.

AMENDATORY SECTION (Amending Order 244, filed 9/15/93, effective 10/16/93)

WAC 230-12-020 Gambling receipts deposit required by all bona fide charitable and nonprofit organizations—Exemptions. ~~((1) Every))~~ Licensed bona fide charitable or nonprofit organizations shall protect all funds generated from gambling activities and keep ((a separate gambling receipts' account in a recognized Washington state depository authorized to receive funds, which shall be kept)) such separate and apart ((and actually segregated)) from the licensee's general funds((- Provided, That if such activities are conducted on the United States' portion of the Point Roberts Peninsula, Washington, the deposit may be made in a British Columbia branch of a Canadian bank)). Funds shall be controlled as follows:

(1) Each licensee shall keep a separate account in a recognized Washington state depository for purposes of depositing gambling receipts. Licensees are not limited to a single gambling receipts account as long as a minimum of one separate account is maintained((- The following conditions of deposit will be met:));

~~((a))~~ (2) Only receipts from gambling activities shall be deposited into the gambling receipts account: Provided, That a licensee may deposit receipts from nongambling activities, operated in conjunction with bingo games, into the gambling receipts account if such receipts are supported by detailed receipting records and all other requirements of this section are followed;

(3) No expenditures, other than for prizes, shall be made from the receipts of any licensed gambling activity until such receipts have first been deposited in the gambling receipts account: Provided, That bingo receipts may be withheld from deposits for jar, pig, or other similar special game prizes if:

- (i) The total of all such prize funds does not accumulate to exceed two hundred dollars;
- (ii) The amount withheld each session is entered in the bingo daily record; and

(iii) A reconciliation of the special game fund is made of the bingo daily record;

~~((b))~~ (4) All net gambling receipts from the operation of bingo which are being held pending disbursement shall be deposited in the licensee's gambling receipts account not later than the second banking day following receipt thereof;

~~((e))~~ (5) All net gambling receipts from the operation of card rooms, raffles (Class E and above), and amusement games (Class D and above) shall be deposited in the licensee's gambling receipts account at least once each week;

~~((d))~~ (6) Funds received from commercial amusement game operators that relate to the operation of amusement games on their premises shall be deposited in the licensee's gambling receipts account no later than the second banking day following receipt;

~~((e))~~ (7) Net gambling receipts from the operation of each punchboard and pull tab series, including cost recovery for merchandise prizes awarded, shall be deposited in the licensee's gambling receipts account no later than two banking days after a board or series is removed from play. The Washington state identification number assigned to the punchboard or pull tab series and the amount of net gambling receipts shall be recorded on the deposit slip/receipt each time a deposit is made: *Provided*, That licensees may record the Washington state identification stamp numbers and the net gambling receipts on a separate record if the record is identified with the bank validation number and maintained with the deposit slip/receipt; ~~(and~~

~~(f))~~ (8) All deposits of net gambling receipts from each activity shall be made separately from all other deposits, and the validated deposit receipt shall be kept as a part of the records required by Title 230 WAC. Deposit receipts are a part of the applicable daily or monthly records and shall be available for inspection by commission representatives(-); and

~~((z))~~ (9) Bona fide charitable or nonprofit organizations that conduct only one or more of the following activities and do not possess any other licenses issued by the gambling commission are exempt from this rule:

- (a) Raffles under the provisions of RCW 9.46.0315;
- (b) Bingo, raffles, or amusement games under the provisions of RCW 9.46.0321;
- (c) Class A, B, or C bingo game;
- (d) Class A, B, C, or D raffle; or
- (e) Class A, B or C amusement game.

~~((z))~~ (10) Bona fide charitable or nonprofit organizations ~~(who)~~ that conduct only fund raising events or membership raffles and have no other gambling licenses are exempt from having a separate gambling receipts account, but must meet the following conditions of deposit:

(a) No expenditures other than for prizes shall be made until such receipts have first been deposited in the licensee's bank account;

(b) All net gambling receipts shall be deposited within two banking days following receipt thereof; and

(c) The validated deposit receipt shall be kept with the licensee's gambling records.

WSR 95-19-070
PERMANENT RULES
GAMBLING COMMISSION

[Filed September 18, 1995, 3:00 p.m., effective January 1, 1996]

Date of Adoption: September 15, 1995.

Purpose: Housekeeping.

Citation of Existing Rules Affected by this Order:
Amending WAC 230-02-250, 230-08-105, and 230-20-240.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 95-14-094 on June 30, 1995.

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 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: January 1, 1996.

September 18, 1995

Michael Aoki-Kramer

Rules and Policy Coordinator

AMENDATORY SECTION (Amending WSR 94-01-033, filed 12/6/93, effective 1/6/94)

WAC 230-02-250 Bingo equipment. Bingo equipment includes all equipment that is actually used, made for use, or sold for the purpose of use, in bingo games for which consideration is charged to participate and prizes are awarded to winners. Bingo equipment includes, but is not limited to:

(1) Blowers or other devices from which balls are mixed and randomly withdrawn to determine the letters and numbers to be called;

(2) Reusable and disposable bingo cards;

(3) Electronic flashboards that interface with the mixing and selection device;

(4) Electronic ~~((player assistance devices))~~ bingo card daubers, including software or equipment interfaced with such; and

(5) Any other device commonly used in the direct operation of the game: *Provided*, That general purpose equipment and supplies that are only indirectly involved in the conduct of the game shall not be deemed bingo equipment. The following equipment and supplies will not be deemed bingo equipment for purposes of this title:

(a) Tables, chairs, or card stands;

(b) Audio or video equipment used only to communicate progress of the game to players;

(c) Computer or cash register equipment used to record sales or act as a storage medium for records;

(d) General supplies, such as glue sticks, daubers, and other items for resale to players; and

(e) Bingo games manufactured and sold for recreational purposes.

AMENDATORY SECTION (Amending WSR 94-01-034, filed 12/6/93, effective 1/6/94)

WAC 230-08-105 Disposable bingo cards—Inventory control record. All disposable bingo cards purchased or otherwise obtained must be controlled and accounted for by the licensee. This control function shall be accomplished by maintaining an inventory control record prepared in a format prescribed by the commission for Class D and above licensees: *Provided*, That alternative formats that accomplish regulatory requirements may be approved by commission staff.

(1) All purchase invoices, or a photocopy thereof, for disposable bingo cards received must be maintained on the bingo premises;

(2) Manufacturer packing records, required by WAC 230-20-192, shall be maintained as a part of the inventory control record;

(3) The following information must be recorded for disposable bingo cards, sheets of cards, or collations of packets used for games sold as a package:

(a) The identification and inspection services stamp number;

(b) The serial number or, if packets, the serial number of the top page;

(c) The number of cards or card packets in the series;

(d) The type of card or card packet;

(e) The purchase invoice number;

(f) The purchase invoice date; and

(g) Date and session first placed into play; ~~and~~
~~(h))~~ (4) Licensees using the combination receipting method, per WAC 230-20-101(5), shall record the following for each session the collation of cards is sold:

~~((i))~~ (a) The session number and date;

~~((ii))~~ (b) The beginning and ending audit control numbers of the top page of the packets;

~~((iii))~~ (c) Adjustments for any missing packets, per the manufacturer's packing record;

~~((iv))~~ (d) The number of packets distributed to sales points and returned as unsold;

~~((v))~~ (e) Total packets issued;

~~((vi))~~ (f) The value of each packet;

~~((vii))~~ (g) The extended value obtained by multiplying total packets issued times the value of each packet. This total shall be carried forward to the "Daily Bingo Summary" and reconciled to the amount of sales per the cash register record; and

~~((viii))~~ (h) The cumulative number of packets issued from the collation, session-to-date.

AMENDATORY SECTION (Amending WSR 94-01-033, filed 12/6/93, effective 1/6/94)

WAC 230-20-240 Bingo equipment to be used. The conduct of bingo must include the following required items:

(1) A mechanical device that uses air flow for mixing and randomly withdrawing balls to determine the letters and numbers or symbols to be called must be utilized by all

Class D and above operators. This device shall be constructed in the following manner:

(a) It will allow participants full view of the mixing action of the balls; and

(b) The operation cannot be interrupted to change the random placement of the balls at the exit receptacle of the device, except when the device is shut off as allowed by WAC 230-20-246.

(2) A set of seventy-five balls bearing the numbers one through seventy-five and the letters B, I, N, G, or O. The entire set of balls shall be available for inspection by the players before a bingo session begins to determine that all are present and in operating condition. Each numbered ball shall be the same weight as each of the other balls and free from any defects;

(3) Flashboards shall be utilized to display numbers called at all Class D and above bingo games. They must be visible to all players and clearly indicate all numbers that have been called: *Provided*, That malfunctions occurring during a bingo occasion need not be repaired during that occasion, but must be repaired before use on any other occasion;

(4) Bingo cards must be preprinted, manufactured cards that meet the following standards:

(a) Have twenty-five spaces, one of which may be a free space, arranged in five even columns headed with the letters B, I, N, G, and O, and except for the free space, imprinted with numbers and symbols: *Provided*, That bingo cards used for conducting player selection games are exempt from the requirements of this subsection if the requirements of WAC 230-20-241 are followed:

(b) ~~((After December 31, 1993,))~~ Be manufactured by a licensed manufacturer: *Provided*, That electronically generated bingo cards authorized by WAC 230-20-101(3) may be produced by the operator using a printer interfaced with an electronic data base system: *Provided further*, That cards used in player selection games may be manufactured by unlicensed manufacturers if:

(i) The primary activity of such manufacturer is producing nongambling products;

(ii) Cards must meet the requirements of WAC 230-20-192 and 230-20-241. The licensee that initially purchases such cards from the unlicensed manufacturer shall assume responsibility for compliance with all commission requirements;

(iii) In addition to the requirements set out in WAC 230-08-024 and 230-08-040, the invoice transferring these cards must include the beginning card number. If an operator purchases such cards directly from an unlicensed manufacturer, the operator shall assume responsibility for compliance with this requirement.

(c) All disposable bingo cards must meet the requirements of WAC 230-20-192; and

(d) Electronically generated cards and supporting equipment must meet the requirements of WAC 230-20-101(3).

(5) ~~((Effective January 1, 1994,))~~ All Class G and above bingo licensees shall conduct bingo games using disposable bingo cards or electronically generated cards. All income must be received for by using the audit system required by WAC 230-20-192 in conjunction with appropriate receipting system required by WAC 230-20-101 (3), (4), or (5);

(6) (~~Effective January 1, 1994,~~) Duplicate cards, as defined in WAC 230-20-192, are prohibited in the operation of bingo games conducted by Class D or above licensees. Operators are advised that conducting games using cards manufactured by different manufacturers may result in duplicate cards being placed in play and that the majority of cards in the "1 to 9000 series" are duplicate, regardless of the manufacturer. Duplicate card violations that result from use of cards from different manufacturers shall be the responsibility of the operator: *Provided*, That this section shall not apply to braille cards, authorized by WAC 230-20-246(4), if the operator takes steps to prevent duplicate cards and informs players regarding limitations to prizes when winners have duplicate cards because braille cards are being played;

(7) If duplicate cards are inadvertently sold at bingo games conducted by Class D or above licensees (~~after June 30, 1994~~), the following procedures and restrictions apply:

(a) If all winners with duplicate cards are paid the entire prize amount that would be due if there were no duplicate cards, the licensee shall not be deemed to be in violation of this section;

(b) The amount of the prize for games with winners having duplicate cards shall be computed and paid using the following guidelines:

(i) Games that provide a bonus for a single winner - If all winners have duplicate cards then all winners shall be paid the bonus;

(ii) Games that result in multiple winners, some of which are players with duplicate cards - The split of the prize pool will be computed by counting all duplicate card winners as one. After the prize pool split is computed using this method, all winners will be paid according to the computed prize split;

(iii) If the prize pool contains noncash or merchandise prizes, the amount added to the prize pool for computing the split shall be the licensee's cost or retail value, whichever is posted in the game schedule: *Provided*, That manufacturers shall not be responsible for increases to the prize pool required by this subsection; and

(iv) If the prize is greater than one thousand dollars, the operator shall not be required to increase the total prize pool by more than fifty percent or five thousand dollars, whichever is less: *Provided*, That this limitation shall only be authorized once within a twelve-month period. If this limitation has been used within the last twelve months, the full prize amount shall be paid to all holders of duplicate cards.

(c) Increases to prize pools as a result of duplicate card errors, for which the (~~licensee is not reimbursed by a~~) manufacturer is responsible, may be deducted from prize payouts for computing compliance with WAC 230-20-064;

(d) Details of circumstances that resulted in duplicate cards being sold shall be documented and maintained as a part of the daily bingo record for the session;

(e) The commission shall be notified within forty-eight hours after discovery of a duplicate card error if:

(i) Caused by manufacturer printing, packaging, or collation errors; or

(ii) Any player winning with a duplicate card was not paid the entire prize amount.

(f) Licensees shall pursue reimbursement of all prizes paid due to errors from the manufacturer responsible for such errors.

WSR 95-19-071
PERMANENT RULES
GAMBLING COMMISSION

[Filed September 18, 1995, 3:02 p.m., effective January 1, 1996]

Date of Adoption: September 15, 1995.

Purpose: To clarify the definition of a "distributor" and to clarify that a license is required to provide gambling equipment for use in Class III tribal casinos.

Citation of Existing Rules Affected by this Order: Amending WAC 230-02-210 and 230-04-120.

Statutory Authority for Adoption: RCW 9.46.070(4), 9.46.215.

Adopted under notice filed as WSR 95-14-095 on June 30, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: January 1, 1996.

September 18, 1995

Michael Aoki-Kramer

Rules and Policy Coordinator

AMENDATORY SECTION (Amending WSR 94-01-033, filed 12/6/93, effective 1/6/94)

WAC 230-02-210 Distributor defined. A "distributor" is any person who purchases or otherwise obtains a completed piece of equipment for use in authorized gambling activities, including but not limited to punchboards or pull tabs, from any person and sells or otherwise furnishes such equipment, with or without merchandise to be awarded as prizes in connection therewith, to another person for the resale of or the display or operation of that equipment. A manufacturer who sells or otherwise furnishes such equipment not manufactured by him to any other person for resale or for display or operation of that equipment is also a "distributor."

As used in these rules, the term "distributor" shall include a person who services and repairs pull tab dispensing devices, bingo equipment, or any other authorized gambling equipment (~~which shall be authorized so long as the person performing such servicing or repairs is licensed as a distribu-~~

tor or distributor's representative,)) and makes no addition ((to, or),) modification or alteration of((;)) the device.

((A manufacturer who sells or otherwise furnishes such equipment not manufactured by him to any other person for resale or for display or operation of that equipment is also a "distributor.")) The term "distributor" does not include persons that perform routine maintenance, such as lubrication, cleaning, replacement of electrical fuses or bulbs, or other activities that are not directly related to the operation of the equipment.

AMENDATORY SECTION (Amending WSR 94-01-033, filed 12/6/93, effective 1/6/94)

WAC 230-04-120 Licensing of distributors. Prior to selling, renting, or otherwise supplying gambling equipment, supplies, or related paraphernalia, including service of such, to any person within the state of Washington or for use within the state of Washington, a distributor shall first obtain a license from the commission. The following definitions and requirements apply to certification and licensing of distributors:

(1) For purposes of this title, a license is required to sell, rent, or otherwise provide to any person the following items:

- (a) Punchboards and pull tabs;
- (b) Devices for the dispensing of pull tabs;
- (c) Bingo equipment, as defined by WAC 230-02-250;

and

(d) Any gambling equipment or paraphernalia for use in connection with licensed fund-raising events ((~~or~~),) recreational gaming ((activity)) activities, or Class III gaming activities.

(2) The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials required elsewhere in these rules:

- (a) The full name and address of the applicant;
- (b) The business name and address of each location operated by the distributor or where records or inventory will be located;
- (c) The name, home address, and share of ownership of all owners of the business if the business is not a corporation. If the business is a corporation, the name, address, and share of ownership of the officers, the directors, and substantial interest holders;
- (d) A full description of each separate type of gambling equipment or related supplies that the distributor intends to market in this state or for use in this state;
- (e) The brand name under which each type of gambling equipment will be sold;
- (f) If the applicant does not maintain a business office within the state or is incorporated in another state or county, then the full name and business and home address of the resident agent designated by the applicant pursuant to WAC 230-12-300; and
- (g) A list of all manufacturers of gambling equipment and all businesses or organizations located in the state of Washington in which the applicant has any financial interest and the details of that financial interest. For the purposes of this subsection, the term financial interest shall include all arrangements through which a person directly or indirectly

receives any portion of the profits of the licensed distributor and indebtedness between any other person and the applicant, other than a regulated financial institution, in excess of five thousand dollars.

(3) The following information shall be included as an attachment to the application form:

(a) A list of all affiliated businesses or corporations in which the applicant, officers, directors, or substantial interest holders of the applicant, either directly or indirectly, own or control:

- (i) As a sole proprietor; or
- (ii) As a partner; or
- (iii) More than fifty percent of the voting stock of a privately held or closed corporation; or
- (iv) At least five percent of the voting stock of a publicly traded corporation.

(b) A list of all ((licensed)) businesses or corporations licensed to conduct business related to gambling activities in which the applicant, officers, directors, or substantial interest holders of the applicant have any interest;

(c) A list of all jurisdictions in which the applicant or any of the officers, directors, or substantial interest holders of the applicant have been licensed for gambling-related activities at any level during the preceding ten years;

(d) A statement regarding whether the applicant or officers, directors, or substantial interest holders of the applicant have ever had a license for gambling-related activities denied, revoked, or suspended by any jurisdiction for a period longer than thirty days. All details of such must be provided as a part of the application; and

(e) A statement acknowledging that all records related to the ownership or operation of the business shall be made available for review at the time and place requested by commission staff. In addition to other records requested, the following shall be available:

- (i) Personal financial records of all substantial interest holders;
- (ii) All records related to the scope of activity, including suppliers, customers, and any contracts related to sales or purchases; and
- (iii) Records related to any financial or management control of or by customers and suppliers.

(4) The applicant shall notify the commission within thirty days of any change in the information submitted on or with the application form; and

(5) The applicant shall comply with all applicable laws of the United States and the state of Washington and all applicable rules of this commission.

WSR 95-19-072
PERMANENT RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY
 [Filed September 18, 1995, 3:05 p.m.]

Date of Adoption: September 14, 1995.

Purpose: Adjust maximum civil penalty amount for infraction; adjust fees for registration and operating permits to cover program costs and move operating permit fees to the operating permit section; remove late charges for delinquent

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registration fees; and update delegation for federal NSPS and NESHAPS.

Citation of Existing Rules Affected by this Order: Amending Reg I - Sections 3.11, 5.07, 5.11, 6.11, 7.07; Reg III - Sections 1.01, 2.02.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 95-16-124 on August 2, 1995.

Changes Other than Editing from Proposed to Adopted Version: In 5.07(a) added, registration fees do not apply to sources subject to Article 7 of Regulation I. In Section 5.07 Fee Schedule, adjusted some fees. In Section 7.07 Fee Schedule, raised some equipment/emission charges and lowered the per facility charge and included a 20% surcharge for the issuance/renewal of an operating permit (maximum \$5,000).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.
September 15, 1995

James Nolan

Director - Compliance

AMENDATORY SECTION

REGULATION I SECTION 3.11 CIVIL PENALTIES

(a) Any person who violates any of the provisions of Chapter 70.94 RCW or any of the rules or regulations in force pursuant thereto, may incur a civil penalty in an amount not to exceed (~~(\$11,000.00)~~) \$11,225.00 per day for each violation.

(b) Any person who fails to take action as specified by an order issued pursuant to Chapter 70.94 RCW or Regulations I, II, and III of the Puget Sound Air Pollution Control Agency shall be liable for a civil penalty of not more than (~~(\$11,000.00)~~) \$11,225.00 for each day of continued non-compliance.

(c) Within 15 days after receipt of a Notice and Order of Civil Penalty, the person incurring the penalty may apply in writing to the Control Officer for the remission or mitigation of the penalty. Any such request must contain the following:

(1) The name, mailing address, telephone number, and telefacsimile number (if available) of the appealing party;

(2) A copy of the Notice and Order of Civil Penalty appealed from;

(3) A short and plain statement showing the grounds upon which the appealing party considers such order to be unjust or unlawful;

(4) A clear and concise statement of facts upon which the appealing party relies to sustain his or her grounds for appeal;

(5) The relief sought, including the specific nature and extent; and

(6) A statement that the appealing party has read the notice of appeal and believes the contents to be true, followed by the party's signature.

Upon receipt of the application, the Control Officer shall remit or mitigate the penalty only upon a demonstration by the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(d) Any civil penalty may also be appealed to the Pollution Control Hearings Board pursuant to Chapter 43.21B RCW and Chapter 371-08 WAC if the appeal is filed with the Hearings Board and served on the Agency within 30 days after receipt by the person penalized of the notice imposing the penalty or 30 days after receipt of the notice of disposition on the application for relief from penalty.

(e) A civil penalty shall become due and payable on the later of:

(1) 30 days after receipt of the notice imposing the penalty;

(2) 30 days after receipt of the notice of disposition on application for relief from penalty, if such application is made; or

(3) 30 days after receipt of the notice of decision of the Hearings Board if the penalty is appealed.

AMENDATORY SECTION

REGULATION I SECTION 5.07 REGISTRATION (~~AND OPERATING PERMIT~~) FEES

(a) The Agency shall levy annual fees as set forth in the (~~(1995)~~) 1996 Registration (~~and Operating Permit~~) Fee Schedule for services provided in administering the registration program (~~or operating permit programs~~). Fees received under the registration program (~~or operating permit programs~~) shall not exceed the cost of administering the program (~~these programs~~). Registration fees do not apply to sources subject to Article 7 of Regulation I.

(b) Upon assessment by the Agency, registration (~~or operating permit~~) fees are due and payable within 30 days. They shall be deemed delinquent if not fully paid within 90 days (~~and shall be subject to an additional fee equal to 3 times the original fee~~).

(~~(1995)~~) 1996 REGISTRATION (~~AND OPERATING PERMIT~~) FEE SCHEDULE

(1) For all facilities, a fee of \$85.00 per facility except \$600.00 per facility for those with synthetic minor permits (~~(\$2,085.00 per facility for those subject to Article 7 of Regulation I)~~); and

(2) For all facilities:

(i) (~~(\$35.00)~~) \$38.00 for each item of air contaminant generating equipment; and

- (ii) \$80.00 for each item of air contaminant control equipment; and
- (iii) ~~(\$500.00)~~ \$1,200.00 for each continuous emission monitor required under Article 12 of Regulation I; and
- ~~((iv) \$500.00 for each incinerator; and~~
- ~~(v) \$500.00 for each landfill; and))~~

(3) For all facilities except those subject to (4) below, a ~~(\$21.00)~~ \$24.00 emission fee for each item of air contaminant generating equipment except for unvented dry cleaning machines; and

(4) For only those facilities which have permitted emissions or actual annual emissions of 25 tons or more of any of the following: PM₁₀, sulfur oxides, nitrogen oxides, or carbon monoxide; or annual emissions of ~~((40))~~ 5 tons or more of toxic air contaminants or volatile organic compounds, including any negligibly reactive compound:

- (i) ~~(\$21.00)~~ \$24.00 per ton for PM₁₀, sulfur oxides, nitrogen oxides, or volatile organic compounds, including any negligibly reactive compound; and
- (ii) ~~(\$7.00)~~ \$8.00 per ton for carbon monoxide or toxic air contaminants.

(5) The fees required by this section are for the calendar year ~~((1995))~~ 1996 and shall be based on Agency files showing equipment to be used during ~~((1995;))~~ 1996 and either:

~~((i))~~ actual emissions during calendar year ((1993)) 1994 ~~((if the source is not subject to a facility-wide limit on permitted emissions; or~~

~~((ii) if the source is subject to a facility-wide limit on permitted emissions, the lesser of actual emissions during calendar year 1993 or permitted emissions;))~~ or

~~((iii))~~ permitted emissions if no actual emissions were reported during calendar year ((1993)) 1994.

AMENDATORY SECTION

REGULATION I SECTION 5.11 REGISTRATION OF OXYGENATED GASOLINE BLENDERS

(a) Blenders of oxygenated gasoline shall register with the Agency on an annual basis. Each request for registration shall be on forms supplied by the Agency and shall be accompanied by a fee to compensate for the cost of administering the program. The following fee table, based upon the average monthly sales of gasoline sold during the previous November, December, January and February, shall apply:

Volume (gallons)	
less than 100,000	\$ 500.00
100,000 or more but less than 1,000,000	\$ 1,000.00
1,000,000 or more but less than 15,000,000	\$ 10,000.00
15,000,000 or more	\$ 25,000.00

(b) Upon assessment by the Agency, this registration fee is due and payable within 30 days. It shall be deemed delinquent if not fully paid within 90 days ~~((and shall be subject to an additional fee equal to 3 times the original fee)).~~

(c) Blenders of oxygenated gasoline shall, upon request by the Agency, submit periodic reports summarizing how the requirements of Section 2.09 of Regulation II were met. Each report shall be submitted on forms supplied by the Agency within 30 days of receipt of forms.

AMENDATORY SECTION

REGULATION I SECTION 6.11 NEW SOURCE PERFORMANCE STANDARDS

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 60, Title 40, of the Code of Federal Regulations (CFR) in effect July 1, ~~((1994))~~ 1995 herein incorporated by reference.

AMENDATORY SECTION

REGULATION I SECTION 7.07 FEES

(a) The Agency shall levy annual operating permit fees as set forth in ~~((Article 5 of Regulation I))~~ the 1996 Operating Permit Fee Schedule to cover the cost of administering the operating permit program.

1996 OPERATING PERMIT FEE SCHEDULE

- (1) For all facilities, a fee of \$2,200.00 per facility; and
- (2) For all facilities:
 - (i) \$100.00 for each item of air contaminant generating equipment; and
 - (ii) \$100.00 for each item of air contaminant control equipment; and
 - (iii) \$1,200.00 for each continuous emission monitor required under Article 12 of Regulation I; and
 - (iv) \$24.00 per ton for PM₁₀, sulfur oxides, nitrogen oxides, or volatile organic compounds, including any negligibly reactive compound; and
 - (v) \$8.00 per ton for carbon monoxide or toxic air contaminants.

(3) The fees required by this section are for the calendar year 1996 and shall be based on Agency files showing equipment to be used during 1996 and either actual emissions during calendar year 1994 or permitted emissions if no actual emissions were reported during calendar year 1994.

(b) The agency shall ~~((may)),~~ on a source-by-source basis, levy ~~((a))~~ the following surcharges:

- (i) for the issuance or renewal of an operating permit, a surcharge equal to 20% of the annual operating permit fee, not to exceed \$5,000.00.

(ii) to cover the cost of public involvement under WAC 173-401-800. ((a))

(iii) to cover the cost incurred by the Washington State Department of Health in enforcing 40 CFR Part 61, Subpart I and Chapter 246-247 WAC.

(c) The Agency shall collect and transfer to the Washington State Department of Ecology a surcharge established by the Department of Ecology under WAC 173-401 to cover the Department of Ecology's program development and oversight costs.

(d) Upon assessment by the Agency, operating permit fees are due and payable within 30 days. They shall be deemed delinquent if not fully paid within 90 days.

AMENDATORY SECTION

REGULATION III SECTION 1.01 POLICY

The Board has found that the use, production, and emission of toxic air contaminants into the atmosphere in the

PERMANENT

Puget Sound region poses a threat to the public health, safety, and welfare of the citizens of the region and causes degradation of the environment. Therefore the Board, in order to control the emission of toxic air contaminants and to provide for uniform enforcement of air pollution control in its jurisdiction and to carry out the mandates and purposes of the Washington Clean Air Act, the Federal Clean Air Act, and the National Emission Standards for Hazardous Air Pollutants (40 CFR Parts 61 and 63), declares the necessity of the adoption of this Regulation III pertaining to toxic air contaminants.

It is the policy of the Agency to continuously acquire and study available scientific information on toxic air contaminants, their sources, and their effect on the public health and welfare, and to develop and adopt strategies for effectively reducing or eliminating impacts from toxic air contaminants.

AMENDATORY SECTION

REGULATION III SECTION 2.02 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 61 or Part 63, Title 40, of the Code of Federal Regulations (CFR) in effect July 1, ((1994)) 1995 herein incorporated by reference.

WSR 95-19-075
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3897—Filed September 18, 1995, 3:48 p.m.]

Date of Adoption: September 18, 1995.

Purpose: Authorizes a mandatory JOBS program and assigns clients to the four pathways of service delivery. Renumbers and revises rules for the JOBS program. Limits the time or credits approvable for education or training. Incorporates the employment partnership program as specified under chapter 74.25A RCW. New chapter 388-300 WAC.

Citation of Existing Rules Affected by this Order: Repealing chapter 388-47 WAC, JOBS opportunities and basic skills training program.

Statutory Authority for Adoption: Chapter 74.25A RCW and RCW 74.08.090.

Adopted under notice filed as WSR 95-15-001 on July 5, 1995.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-300-0400 (2)(b), clarified dependent child status as opposed to person seventeen years of age or younger; WAC 388-300-0400 (2)(m), added electronic home detention sentence to exemption criteria. AFDC rules state that the parent who is serving such a sentence is part of the assistance unit. Such a parent would not be able to participate in JOBS or provide adequate care for the children in the household; WAC 388-300-0700 (6)(b)(i), deleted. (ii)

becomes (i). New (ii) added to read "No more than four months have elapsed." This shortens the length of time an applicant participant is required to conduct job search; WAC 388-300-1100 (4)(j), new subsection adds "mental or physical limitation" to the factors to assess; WAC 388-300-1100 (4)(l), relettered to (m) - changed to "Local labor market in terms of currently available and future employment opportunities." Deleted reference to approved employment goal as such approval would not have taken place before the assessment; WAC 388-300-1100(5), deleted "...which may include..." to make assessment of the needs of participant's children a required part of the assessment; WAC 388-300-1200 (5)(b), delete "...ineligible for an AFDC grant... due to earnings", substitutes "self-supporting." This provides a more realistic standard; WAC 388-300-1200 (5)(c), replaces "sufficient to...due to earnings; and", with "...at or above the AFDC needs standard as specified in chapter 388-300 WAC." This provides a more realistic standard; WAC 388-300-1200 (5)(d), language inserted "The participant has competitive skills only in an occupation with annual wages below the AFDC need standard as specified in chapter 388-250 WAC." The new language allows for seasonally employed AFDC recipients to access JOBS program services other than job search; WAC 388-300-1200(6), deletes reference to components and component approval sections. This limits the consultation requirement to employment goals; WAC 388-300-1200(7)(new), "The service provider shall inform the participant of the participant's right to discuss the employment goal or component assignment with a representative of the department when the participant and service provider do not agree on the appropriateness of an employment goal or component assignment offered for approval by either the participant or the service provider."; WAC 388-300-1200(8) (old (7)), adds language "...The department shall base the approval decision on information obtained through the assessment process under WAC 388-300-1100, information provided on the employability plan as described under WAC 388-300-1200, and may gather additional information from the participant and the service provider to assist in the decision making process." Clarifies the basis of departmental decisions regarding approval of employment goals and component assignments; WAC 388-300-1200(9) (old (8)), adds "component assignment" as action which may be conciliated or fair hearing requested to resolve. Adds grievance as a resolution action; WAC 388-300-1300(4), adds "...at a wage at or above the AFDC needs standard specified in chapter 388-250 WAC" to provide a realistic standard; WAC 388-300-1400(4), deletes "...have the authority to determine if a participant is eligible for"; substitutes "approve." Adds "...to the extent that the service provider approves such changes." Ensures continuing participation by the AFDC recipient in the JOBS program by directing the service provider to approve component costs and supportive services which have previously included on an employability plan if the service provider approves changes made by the participant in employment goal, course of education or training, or component activity; WAC 388-300-1400(5), ensures portability of an employability plan within the state by deleting "if the component and services are available in the community service office from which the participant is receiving an AFDC grant"; WAC 388-300-1500 (3)(b), deleted "subject to funding limitations for

participant assignment, based on the component assignment criteria in WAC 388-300-2200 through 388-300-3100"; WAC 388-300-1500 (3)(c), add "for those participants who entered the JOBS program on or after the effective date of this chapter"; WAC 388-300-1500 (3)(d), added section "Obligate funds for component costs and supportive services to support components approved prior to the effective date of this chapter without regard to the funding priorities established in WAC 388-300-1400 if the participant is making satisfactory progress or is participating satisfactorily in the components identified on the employability plan." The changes to WAC 388-300-1500 provide for continuity of services for participants across fiscal years and assures current participants will no be subject to the new regulations at their next annual review, WAC 388-300-1900(3), inserts reference to "JOBS" and deletes reference to "participation" to clarify which benefits may be continued; WAC 388-300-2100(2), delete references to Washington Service Corps (WSC) to remove the danger that WSC regulations would be applied to JOBS participants resulting in an adverse action toward the participant; WAC 388-300-2200(3), revised to state that the participant may request and if he or she does, the service provider has the authority to assign the person to a JOBS component other than high school completion or GED under certain conditions; WAC 388-300-2200 (3)(a)(ii), adds that the person must have demonstrated the ability to find and keep a job without high school or GED; WAC 388-300-2200 (3)(b)(i), adds that the AFDC needs standard be used. These changes clarify that participants may request to participate in other JOBS components in lieu of HS or GED and the service provider has the authority to allow other participation under certain conditions; WAC 388-300-2500 (2)(a), deleted. Removes a redundant criteria; WAC 388-300-2600 (2)(a), deleted. Removes a redundant criteria; WAC 388-300-2600 (2)(d), delete "and the required...twenty four months." Removes the time limitation which could penalize participants who are unable to get the required coursework in a particular term/semester; WAC 388-300-3300(2), adds "The participant shall have the right to request that a department designee facilitate conciliation between the participant and the service provider." Serves to enhance client access to the conciliation process and increases client protections; WAC 388-300-3600(9), added child care and supportive services as benefits to be continued in certain instances; WAC 388-300-3600 (9)(b), added "...Provided, that if the department seeks to terminate supportive services or child care of a JOBS program participant pursuant to WAC 388-300-1800 as a result of the participant's failure to make satisfactory progress as defined in WAC 388-300-0200 or because the participant has ceased to participate in the component activity before completion of the activity, the department may request that an expedited preliminary hearing be held for the sole purpose of determining whether child care or other supportive services shall continue pending the hearing. In making the determination of whether child care or other supportive services shall be continued pending the hearing, the Administrative Law Judge shall consider the likelihood that the department will prevail at the hearing, the harm that will be suffered by the participant if the child care or supportive services are terminated, and the cost to the department if child care and supportive services are contin-

ued pending the hearing." This language adds client protections.

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 39, amended 0, repealed 21.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 39, amended 0, repealed 21.

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 39, amended 0, repealed 21.

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

September 18, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

Reviser's note: The material contained in this filing will appear in the 95-20 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 95-19-098

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed September 20, 1995, 10:31 a.m., effective November 1, 1995]

Date of Adoption: September 14, 1995.

Purpose: These modifications will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities. These modifications will increase the efficiency of general government agencies regarding personnel issues.

Citation of Existing Rules Affected by this Order: Amending WAC 356-06-100, 356-18-140, 356-18-220, 356-22-070, 356-22-130, 356-26-070, 356-26-080, 356-26-090, 356-30-135, and 356-30-145.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 95-13-015 on June 12, 1995.

Changes Other than Editing from Proposed to Adopted Version: Only changes to clarify language were made.

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 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 10, repealed 0.

Effective Date of Rule: November 1, 1995.

September 20, 1995

Dennis Karras

Secretary

AMENDATORY SECTION (Amending Order 71, filed 12/30/74)

WAC 356-06-100 Director—Powers—Duties. (1)

The director of personnel shall direct and supervise all the department of personnel's administrative and technical activities in accordance with the provisions of the state civil service law and the rules and regulations approved and promulgated thereunder. The director shall prepare proposed rules and regulations for consideration by the board.

(2) The director shall establish a department completely separate from other state agencies and shall select a staff of assistants whose employment shall be subject to the provisions of these rules.

(3) The director shall serve as secretary to the board.

(4) The director may delegate authority to subordinates to act for him or her in carrying out duties duly assigned to the director in merit system rules. Such delegations of authority shall be in writing and the board shall be notified of them.

(5) The director of personnel may delegate to any agency the director's authority to perform administrative and technical personnel activities if such authority is requested. When an agency requests a delegation of the director's authority, the requesting agency shall concurrently send a copy of the request to any affected exclusive representative. After an authority has been delegated, if an employee or the employee's exclusive representative files a written complaint with the director regarding a delegated authority, the director shall conduct a timely investigation. If the director of personnel determines that an agency is not appropriately performing delegated activities, the director may withdraw from the agency the authority to perform such activities.

AMENDATORY SECTION (Amending WSR 89-06-028, filed 2/24/89, effective 4/1/89)

WAC 356-18-140 Leave without pay. (1) Leave without pay may be allowed when such leave will not operate to the detriment of the state service.

(2) Leave without pay may be authorized for any reasons applicable to:

(a) Leave with pay.

(b) Educational leave.

(c) Newborn or adoptive child care leave as provided in WAC 356-18-150.

(d) Military and U.S. Public Health Service and Peace Corps leave.

(e) Specific leaves granted for government service in the public interest upon specific request of an employee, concurred in by the appointing authority ~~((and approved by the director of personnel))~~.

(f) Leave taken voluntarily to reduce the effect of an agency reduction in force. Such leave shall not affect an employee's seniority.

(g) Leave that is authorized in advance by the appointing authority as part of a plan to reasonably accommodate a person of disability (as defined in WAC 356-05-260).

(3) Authorized leave without pay shall be limited to not more than 12 months in any consecutive five-year period, except for:

(a) Leaves without pay for military, U.S. Public Health Service or Peace Corps;

(b) Authorized government leave not exceeding two years;

(c) Employees receiving time loss compensation;

(d) Educational leaves under provisions of WAC 356-39-120;

(e) Newborn or adoptive child care leave under provisions of WAC 356-18-150;

(f) Leave taken voluntarily to reduce the effect of an agency reduction in force under the provisions of WAC 356-30-335.

(g) Leave that is authorized in advance by the appointing authority as part of a plan to reasonably accommodate a person of disability (as defined in WAC 356-05-260).

(4) Leave without pay exceeding twelve months in a consecutive five-year period, not covered by the exceptions noted in subsection (3) of this section, shall be treated as unauthorized absence.

(5) Employees returning from authorized leave without pay shall be employed in the same position, or in another or similar position in the same class and in the same geographical area, provided that such return to employment is not in conflict with rules relating to reduction in force.

AMENDATORY SECTION (Amending WSR 92-12-033, filed 5/28/92, effective 7/1/92)

WAC 356-18-220 Leave without pay—Effect on anniversary date, periodic increment date, and seniority.

(1) Leave without pay of fifteen consecutive calendar days or less will not affect an employee's anniversary date or periodic increment date.

(2) When an employee is on leave without pay for more than fifteen consecutive days, the employee's seniority anniversary date and periodic increment date will not be affected when the absence is due to any of the following reasons:

(a) Military or United States Public Health Service;

(b) Government service and leave to enter the Peace Corps, not to exceed two years and one month ~~((, which had the director of personnel's approval))~~;

(c) Leave taken by employees receiving time loss compensation due to injuries sustained while performing the employee's state job;

(d) Educational leave in accordance with the provisions of WAC 356-39-120;

(e) Leave without pay taken voluntarily under the provisions of WAC 356-30-335 to reduce the effect of an agency reduction in force.

(3) When an employee is on leave without pay for more than fifteen consecutive calendar days and the absence is not due to one of the reasons listed in subsection (2) of this

section, the employee's anniversary date and periodic increment date shall be moved forward in an amount equal to the duration of the leave of absence.

(4) When an employee's position is assigned to a program or facility whose primary purpose is academic and/or vocational education, and the program or facility follows the customary public school practice of less than a twelve-month school year, the employing agency may place the employee on leave without pay while the program or facility is closed for customary school vacations without adjusting the employee's anniversary and periodic increment dates.

(5) Leave without pay taken for any of the reasons listed in subsection (2) of this section shall not affect an employee's seniority.

AMENDATORY SECTION (Amending WSR 93-12-085, filed 5/28/93, effective 7/1/93)

WAC 356-22-070 Applications—Disqualification.

The director of personnel or agency designee with local list authority is expected to follow accepted standards of personnel practice in screening applicants and may refuse to examine an applicant, may disqualify an applicant after examination or may remove the applicant's name from a register and/or certification or refuse to certify the applicant if:

(1) The applicant is found to lack any of the requirements for the register (as defined in WAC 356-26-030), class, and/or position.

(2) The applicant has been convicted of any infamous crime, a crime involving moral turpitude, or any crime which would be grounds for dismissal from the position for which he/she is applying.

(3) The applicant has made a false statement of material fact in the application.

(4) The applicant has previously been dismissed or resigned from private or public service for delinquency, misconduct, inability to do similar work, or any other such cause directly bearing upon fitness as an employee.

(5) The applicant has used, or attempted to use, bribery to secure an advantage in the examination or appointment.

(6) The applicant has directly or indirectly obtained information regarding examinations to which he/she was not entitled.

(7) The applicant has otherwise violated provisions of these rules.

(8) The applicant has taken part in the compilation, administration or correction of the examination.

(9) The applicant has a disability, as evidenced by a written statement from a physician or a licensed mental health professional, that renders the employer unable to reasonably accommodate the applicant in any position within the class.

AMENDATORY SECTION (Amending WSR 91-03-071, filed 1/16/91, effective 3/1/91)

WAC 356-22-130 Examinations—Minimum qualifications waived or modified—Examinations modified. (1) Upon the written request of the appointing authority, the director of personnel or agency designee with local list authority may waive or modify the minimum qualifications for a class to fill a vacant position on a one-time basis only

when (a) there is an incomplete register following recent recruiting or recruitment history data for the particular geographic location indicate that open competitive recruitment would result in an incomplete referral; and (b) an underfill appointment is not feasible in that the position is supervisory or managerial in nature or otherwise requires the full and immediate discharge of duties and responsibilities; and (c) the director of personnel or agency designee with local list authority determines the established minimum qualifications to be appropriate under normal conditions and should not be permanently changed.

(2) The director of personnel or agency designee with local list authority may admit to an examination an applicant who does not technically meet the published minimum qualifications if the director or agency designee with local list authority determines that the applicant's qualifications exceed the minimum qualifications of the class for which the examination is being conducted.

(3) The director of personnel may modify or substitute, for a person of disability, an examination which in his/her judgment is substantially equivalent to the regular examination for the class and compensates for the disability of the individual to be tested when, in the judgment of the director, all or portions of the examination constitutes an artificial barrier to the applicant's fully demonstrating his/her ability through the normal examination process due to the disability.

(4) When a development plan established and administered by the division of human resource development is available for a classification, confirmed completion of this class development plan (CDP) admits the applicant to the next examination for that class.

AMENDATORY SECTION (Amending WSR 94-10-008, filed 4/21/94, effective 5/31/94)

WAC 356-26-070 Certification—Registers—Order of rank—Exception. The director of personnel will normally certify names from the registers in the following order:

- (1) Agency reduction in force register.
- (2) Service-wide reduction in force register.
- (3) Dual-agency reversion register.
- (4) Agency promotional register.
- (5) Higher education reduction in force register.
- (6) Service-wide reversion register.
- (7) Transfer register.
- (8) Voluntary demotion register.
- (9) Service-wide promotional register.
- (10) Reemployment unranked register.
- (11) Inter-system employment register.
- (12) Open competitive register.

However, if the director of personnel ~~((and appointing))~~ or agency designee with local list authority establish that it is in the best interest of the state to broaden the competition, agencies may request the director of personnel or agency designee to certify names combined from registers (4), (9), (11), and (12) provided:

- (a) ~~((That))~~ ~~((€))~~ The written request to the director or agency designee shall be evidence of assurance that:
 - (i) Such a request will not harmfully affect utilization of protected group members who are applicants for this class.

(ii) If the position is within a collective bargaining unit, the exclusive representative (~~(will be)~~) has been provided a copy of the request.

(iii) That the request is in the best interest of the state and not solely intended to circumvent the policy of promotion from within the state as provided in WAC 356-30-150.

(b) Request for combined registers must be made on a position-by position or a class basis and prior to recruitment or referral.

AMENDATORY SECTION (Amending WSR 88-18-096, filed 9/7/88, effective 11/1/88)

WAC 356-26-080 Certification—Exhausted registers—Procedure. (1) While all names need not be taken from the same register, each register must be exhausted before using the next register.

(2) When there are fewer names than constitute a complete certification for the class, the director or agency designee with local list authority may substitute an allied series of registers if he/she determines the allied registers are sufficiently similar.

(3) When there are fewer names than constitute a complete certification for the class and no allied register is determined appropriate, the remaining names on all incomplete registers will be certified. However, an appointing authority may request a temporary appointment providing full and fair consideration has been given to those names certified, and the director or agency designee with local list authority determines that the person meets the announced qualifications and grants approval.

AMENDATORY SECTION (Amending WSR 87-03-032, filed 1/14/87, effective 3/1/87)

WAC 356-26-090 Certification—Underfill. (1) The director of personnel or agency designee with local list authority may authorize the underfilling of a position if a register does not have enough names for a complete certification following active recruiting. Upon such authorization, a certification shall be made from the next lower class in the series or an allied class as determined by the director or agency designee. Only the number of eligibles needed to complete the certification will be referred from the lower level class in the series or the allied class.

(2) Eligibles so certified shall be advised during the employment interview with the appointing authority of the underfill status of the appointment, which shall be confirmed in writing.

(3) An underfilled position shall not be certified against from a subsequently developed higher register unless: The employee does not successfully complete the probationary or trial service period or the employee does not qualify for the higher level class within four months after being admitted to the examination.

(4) Should the employee not qualify for promotion, the rules regarding transfer, promotion, demotion, or reduction in force shall apply.

AMENDATORY SECTION (Amending WSR 91-02-030, filed 12/24/90, effective 2/1/91)

WAC 356-30-135 In-training appointments. (1) The director of personnel or designee, upon request from an agency after the agency has consulted with the exclusive representative, may designate specific positions, groups of positions, or entire classes of positions, as in-training positions. The request or documentation shall include a description and length of the training program. The training program shall include one or more of the following components:

(a) On-the-job training (knowledge and skill developed through experience);

(b) Classroom or field instruction;

(c) Courses conducted by an educational institution, vocational school or professional training organization;

(d) Written, oral and/or practical examination(s).

(2) Positions designated as in-training may be at any level within a class series or related series provided that positions whose primary responsibility involves supervision will not normally be designated as in-training.

(3) In-training positions may be filled at any level within the designated class series or related series in accordance with the rules governing appointments to permanent positions.

(4) The employee will automatically advance to the higher level after satisfactory completion of the training program requirements for the lower level.

(5) Agency training programs shall confine in-training time at each training class level to a period of not less than six months and not more than twenty-four months. The class level occupied by a trainee shall determine the level of the position to be used to pay and evaluate the trainee.

(6) Employees will serve a probationary period or trial service period at each level within the in-training series. When employees are in their probationary or trial service period and are advanced to the next highest level in the in-training class series, they shall complete the terms of the original probationary or trial service period.

(7) Employees who fail to progress through each level of the in-training series will be subject to the following actions:

(a) Employees in probationary status: Employees who enter positions, without first attaining permanent status, may be dismissed during their probationary period if they fail to meet the required standards of the in-training position.

(b) Employees in trial service status: Permanent employees who are promoted into in-training positions and who are unsuccessful in completing their trial service period shall, at the discretion of the agency, either be returned to their former class and position or have reversion rights to their former class and status held prior to promotion into the in-training series. This does not preclude the employee's eligibility for transfer or voluntary demotion.

(c) Employees with permanent status in an in-training position: Employees who have completed their probationary or trial service period but are unsuccessful in attaining subsequent advancement through the in-training series may be removed from the in-training series under the provisions of WAC 356-34-010. This does not preclude the employee's eligibility for transfer or voluntary demotion.

(8) Time spent in nonpermanent appointments in an in-training position prior to a permanent appointment into the position shall not normally be credited as part of the in-training period. After permanent appointment to an in-training position, time spent in a non-permanent appointment to a higher level within the in-training series shall be credited as part of the training period for the lower level but the time shall not be credited toward completion of the training period for the higher level. Exceptions will be considered during the review of the request.

(9) Time spent in a position prior to an in-training designation shall not normally be credited as part of the training period. Exceptions will be considered during the review of the request.

(10) Transfer of an employee from one in-training position to another in-training position at the same level within the series shall not extend the training period.

(11) The director of personnel may delegate authority to an agency designee with local list authority to designate specific positions, groups of positions, or entire classes of positions, as in-training positions, after the agency has consulted in advance with the exclusive representative.

AMENDATORY SECTION (Amending WSR 88-18-096, filed 9/7/88, effective 11/1/88)

WAC 356-30-145 Project employment. (1) Project employment when designated by the director, is the grouping together of employees whose length of employment is contingent on state, federal or other grant funding of specific and of time limited duration.

(2) ~~((Requests for))~~ ~~((t))~~ The designation of competitive project employment will be initiated and approved by the director of personnel, or authorized proposing agency ~~((and made to the director))~~ designee. Such ~~((requests))~~ designation documentation will include:

(a) The nature and scope of the program.

(b) Source and conditions of funding.

(c) Explanation of why project status should be used rather than regular classified service.

(d) Explanation of why competitive service is not practical to use if noncompetitive service is requested.

(e) Relationship of project to regular operations and programs of the agencies.

(f) Number of positions.

(g) Duration.

(h) Proof of notice to the employee organizations affected in advance of the project.

(i) Project employees benefits.

(3) The director or agency designee may extend a project beyond its scheduled term.

(4) Permanent employees in regular positions may transfer, promote, or voluntarily demote into project employment positions as provided by these rules unless prohibited by the contract that established the project.

(5) Positions in project employment will be in the competitive service unless the director determines otherwise. Grounds such as special requirements of the project contract, insufficient time to recruit and unavailability of a register, or other circumstances where a competitive exam is not practicable may warrant use of the noncompetitive service.

Requests to the director for noncompetitive project positions shall include all of the information in (2) above.

(6) Employees hired into project positions must be notified, in writing, of the expected ending date of their employment.

(7) Project employees who have entered into project employment without permanent status, will gain permanent project status upon completion of their probationary period and shall be entitled to appropriate rights within project employment and to those outlined below.

(a) Once permanent project status has been gained, project employees may have their names placed on the transfer or voluntary demotion register for regular positions in the same or similar job classes for which permanent project status has been gained.

(b) Permanent project employees who entered project employment via the noncompetitive process must be certified from the appropriate register in order to transfer, voluntarily demote, or promote directly into regular positions. These employees may continue to apply for regular positions via the open competitive route.

(c) Permanent project employees who entered project positions via the competitive process may transfer, voluntarily demote, or apply as promotional candidates to regular classified positions as though they were permanent employees unless permanent employees have been prohibited from competing for the project positions.

(d) Project employees who have gained permanent project status, and transfer or voluntarily demote into a regular position, will not be required to serve a probationary period.

(e) Project employees who are currently on the registers will continue to be on the registers and may be certified as provided in these rules.

(8) Employees who left a state agency with permanent status and came directly into project employment will continue to have promotional opportunities and transfer rights of their former position as though they were still employed in that agency.

(9) Project employees will have reduction in force rights within their project boundaries only and will compete according to "seniority," except permanent employees who left regular classified positions to accept project employment will have the reduction in force rights of the position they left. Time spent in project employment will also be credited to the employees' seniority for use in competing in the regular state positions, provided there is no break in service. Names of project employees separated by reduction in force actions, who did not leave regular classified positions to accept project employment, will be placed on the reemployment register WAC 356-26-030(9) for the usual life of that register. Upon reduction in force from the project, project employees who entered the project through the competitive process and remain in project status for two years shall be eligible to have their names placed on the agency reduction in force registers for the classes in which permanent project status was attained. Bumping options will be limited to the project boundaries.

(10) The time spent in project employment will also be credited toward periodic increment dates, annual leave, sick leave and other benefits provided to employees in these rules.

WSR 95-19-099
PERMANENT RULES
PERSONNEL RESOURCES BOARD

[Filed September 20, 1995, 10:32 a.m., effective November 1, 1995]

Date of Adoption: September 14, 1995.

Purpose: These modifications will allow the director to delegate additional authority to institutions of higher education to perform administrative and technical personnel activities. These modifications will increase the efficiency of higher education regarding personnel issues.

Citation of Existing Rules Affected by this Order: Amending WAC 251-04-060, 251-09-020, 251-17-010, 251-17-020, 251-17-110, 251-17-200, 251-19-070, 251-19-157, and 251-22-040.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 95-13-014 on June 12, 1995.

Changes Other than Editing from Proposed to Adopted Version: Only changes to clarify language were made.

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 9, 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 9, repealed 0.

Effective Date of Rule: November 1, 1995.

September 20, 1995

Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 92-20-043, filed 9/30/92, effective 11/1/92)

WAC 251-04-060 Director. (1) The ~~((board shall appoint a))~~ personnel director ~~((who))~~ appointed by the governor shall be the chief staff officer for the board. In preparing matters for consideration by the board and in coordinating the implementation of the board's rules and regulations, the director shall work in conjunction with the campus personnel officers and their staffs at each institution of higher education, and in the case of community colleges, with the state board for community and technical colleges. When necessary, the director may request the creation of task forces drawn from the four-year institutions of higher education, and representatives of the various state community colleges through the state board for community and technical colleges, for the accomplishment of any projects undertaken by the board. The director may employ necessary personnel for the board, and the board may appoint and compensate hearing officers to hear and conduct appeals. The board shall establish an office for the conduct of its business.

(2) The director shall periodically and at such other times as may be necessary, audit and review the personnel administration and management at each institution and related board.

All relevant files and records of appointing authorities and personnel officers shall be made available to the director at any time.

(3) The director shall take any action necessary to ensure and enforce compliance with the higher education personnel law and these rules.

(4) The director of personnel may delegate to the personnel officer of any higher education institution or related board the director's authority to perform administrative and technical activities if such authority is requested. When an institution or related board requests a delegation of the director's authority, the requesting person shall concurrently send a copy of the request to any affected exclusive representative. After an authority has been delegated, if an employee or the employee's exclusive representative files a written complaint with the director regarding a delegated authority, the director shall conduct a timely investigation. If the director of personnel determines that an institution or related board is not appropriately performing delegated activities, the director may withdraw the authority to perform such activities. Delegation of the director's authority is separate from the statutory local administration in RCW 41.06.520.

AMENDATORY SECTION (Amending WSR 91-16-054, filed 8/1/91, effective 9/1/91)

WAC 251-09-020 Work period designations. Each position will be assigned by the personnel officer to one of the work period designations identified below, and employees will be informed of their eligibility for overtime compensation.

(1) **Scheduled work periods**, within which there are three work schedules:

(a) **Regular work schedule.** The regular work schedule for full-time classified employees shall consist of five consecutive and uniformly scheduled eight hour days in a seven day period. Uniformly scheduled means a daily repetition of the same working hours and a weekly repetition of the same working days.

(b) **Alternate work schedule.** Operational necessity or employee convenience may require positions that are normally designated regular work schedule to work an alternate forty hour work schedule (other than five uniform and consecutive eight hour days in a seven day period), or as provided by the Washington state minimum wage law in conjunction with the federal law which provides for an eighty hour workweek in a fourteen day period for hospital personnel. Alternate work schedules shall be made available upon request of the director.

(c) **Emergency response fire officer work schedule.** Institutions which operate an emergency response fire department may establish work week schedules for emergency response personnel which provide for a daily work shift of twenty-four hours. The weekly schedule shall provide for at least forty-eight hours, but not more than fifty-six hours, as required to meet operational requirements. Emergency

response personnel assigned to twenty-four hour schedules shall be subject to the following conditions:

- (i) All rules in chapter 251-22 WAC shall apply.
- (ii) Changes to the established work schedule shall be made as provided in WAC 251-09-025.
- (iii) Shift differential shall not be paid.
- (iv) Overtime shall be paid for work performed in excess of the scheduled daily work shift or the scheduled work week. The overtime compensation shall be as provided in WAC 251-09-030 (2) and (3).
- (v) Holidays shall be as provided in WAC 251-22-040 and 251-22-045. When assigned to work on a designated holiday, emergency response personnel shall receive their regular daily pay plus eight hours of holiday pay. Compensation for the eight hours of holiday time shall be at the rate of time and one-half.

(2) **Nonscheduled work period.** The nonscheduled work period designation applies to those positions for which the hours cannot be scheduled but which work a forty hour week and do not meet any of the other work period designations. The personnel officer shall designate positions as nonscheduled in accordance with the institution's procedure approved by the director unless approval has been delegated to the personnel officer under WAC 251-04-060(4).

(3) **Excepted work period.** The excepted work period designation applies to classes and positions which meet the Fair Labor Standards Act definitions of executive, administrative, or professional employees. Each personnel officer will be responsible for determining the positions designated "excepted" at his/her institution.

AMENDATORY SECTION (Amending WSR 88-02-018, filed 12/30/87, effective 2/1/88)

WAC 251-17-010 Examination—Requirement—Responsibilities. (1) Appointment to positions in the classified service shall be made according to merit and suitability ascertained for each class by an appropriate examination.

(2) All job elements included in examinations developed or modified subsequent to January 1, 1986, shall be justified by documented job analysis.

(3) Personnel officers shall assist in conducting and/or conduct job analyses at their institutions.

(4) Job analysis methods shall meet professional standards and be approved by the director before they are used to develop examinations.

(5) System examinations shall be developed by the director with the assistance of the personnel officers and made available for the use of all institutions. The director shall periodically distribute an approved system job element examination list showing all current system examinations.

(6) Personnel officers shall use only the current versions of the examinations shown on the approved system job element examination list ((unless approval has been given by the director for examination modifications or the use of institutional examinations)). However, personnel officers may develop modifications to system examinations and/or institutional examinations to meet requirements which are unique to their institutions.

~~((7) Personnel officers may develop modifications to system examinations and/or institutional examinations to meet requirements which are unique to their institutions.))~~

~~((8)) (7) Before they are used, ((4)) institutional examinations and modifications to system examinations shall be approved by the director unless approval has been delegated to the personnel officer under WAC 251-04-060(4)((3)).~~

~~((a) Approved by the director before they are used;))~~

~~((b) Used by institutions other than the developing institution only with the approval of the director.))~~

~~((9)) (8) The personnel officer is responsible for determining when to open eligible lists and conduct examinations.~~

AMENDATORY SECTION (Amending WSR 88-02-018, filed 12/30/87, effective 2/1/88)

WAC 251-17-020 Promotional organizational units—Establishment. The personnel officer shall establish promotional organizational units based upon administrative unit and/or geographical location. Such units must be approved by the director unless approval has been delegated to the personnel officer under WAC 251-04-060(4).

AMENDATORY SECTION (Amending WSR 88-02-018, filed 12/30/87, effective 2/1/88)

WAC 251-17-110 Examination administration. (1) Personnel officers shall administer examinations in accordance with the administration instructions developed for each system or institutional examination.

(2) The personnel officer is responsible for maintaining the security of all confidential examination materials, including test booklets, answer sheets, scoring keys, and rating guides. The personnel officer shall notify the director immediately if there is a suspected breach of examination security.

(3) ~~The ((P))~~ personnel officer ~~((s))~~ shall develop an institutional procedure ~~((s))~~ for the reexamination of applicants at ~~((the))~~ the institution ~~((s))~~. Before it is used, ((S)) such procedure ((s)) shall be approved by the director ((before they are used)) unless approval has been delegated to the personnel officer under WAC 251-04-060(4).

AMENDATORY SECTION (Amending WSR 93-01-158, filed 12/23/92, effective 2/1/93)

WAC 251-17-200 Modification of minimum qualifications. When a vacancy exists ~~((and active))~~ and reasonable recruiting efforts fail to establish an eligible list for the class, the personnel officer may request that the director modify the minimum qualifications for that recruiting cycle unless approval has been delegated to the personnel officer under WAC 251-04-060(4). ~~((If satisfied that reasonable effort has been made to recruit at the established minimum qualifications, the director may modify the minimum qualifications for that recruiting cycle on a one-time basis.))~~ On approval, the personnel officer shall initiate recruiting at the reduced minimum qualifications.

AMENDATORY SECTION (Amending WSR 88-02-018, filed 12/30/87, effective 2/1/88)

WAC 251-19-070 Appointment—Alternate. Application of the alternate appointment rule shall apply only to unique research classes pre-approved by the board. An alternate appointment for research positions shall consist of the six month period following appointment from a layoff list or an option taken in lieu of layoff. This provides the employing official an opportunity to observe the employee's work and determine whether or not he/she can perform in that specific position. If it is determined that the employee cannot perform, as documented by a written performance review, the employee shall be placed on the appropriate layoff list or provided other transfer options as available. ~~((The director shall be notified on a monthly basis of the new positions in which the alternate appointment rule is used.))~~

Application of this rule shall be appealable under the same provisions as WAC 251-12-080 et seq.

AMENDATORY SECTION (Amending WSR 91-10-001, filed 4/18/91, effective 6/1/91)

WAC 251-19-157 Workers' compensation—Return-to-work—Program. Each institution of higher education shall establish a state employee return-to-work policy. It will be the responsibility of each institution to:

- (1) Adopt a written return-to-work policy and submit a copy to the higher education personnel board to be kept on file. Prior to adoption, the institution shall publish a copy of the proposed policy utilizing reasonable means of communication available to the institution and allow reasonable time for comment by interested parties.
- (2) Take into consideration the special nature of employment in the institution.
- (3) Name an institution representative responsible for coordinating the return-to-work program of the institution. At a minimum, the return-to-work coordinator will determine employee interests and availability regarding employment locations and types of employment, contact return-to-work coordinators at employment locations the employee has identified to facilitate identification of potential return-to-work opportunities, and submit completed forms to appropriate return-to-work coordinators. ~~((The director of the higher education personnel board will compile and maintain a list of all institution return-to-work coordinators.))~~
- (4) Provide all classified employees with information regarding the institution return-to-work policy.
- (5) Train supervisors on implementation of the return-to-work policy, including but not limited to assessment of the appropriateness of the return-to-work job for the employee.
- (6) Coordinate participation of applicable employee assistance programs, as appropriate.
- (7) Provide alternative work opportunities of limited duration to permanent employees who are eligible for the return-to-work program if possible. Such alternative employment opportunities may include work described under WAC 251-04-040.

AMENDATORY SECTION (Amending WSR 87-02-036, filed 1/2/87, effective 2/1/87)

WAC 251-22-040 Holidays. (1) Legal holidays are designated by statute. The following holidays are identified per RCW 1.16.050:

- (a) The first day of January (New Year's Day);
- (b) The third Monday of January (Martin Luther King, Jr.'s birthday);
- (c) The third Monday of February (Presidents' Day);
- (d) The last Monday of May (Memorial Day);
- (e) The fourth day of July (Independence Day);
- (f) The first Monday in September (Labor Day);
- (g) The eleventh day of November (Veterans Day);
- (h) The fourth Thursday of November (Thanksgiving Day);
- (i) The day immediately following Thanksgiving Day; and
- (j) The twenty-fifth day of December (Christmas Day).

Each higher education institution will provide qualifying employees in pay status with a paid holiday on the above days. However, the governing board of each institution, and in the case of the community college system through the state board for community college education, may designate other days to be observed in lieu of the above holidays. ~~((Holiday schedules must be filed annually with the director for approval prior to implementation and may not be modified without prior approval by the director.))~~ Implementation of modified holiday schedules must be approved by the director. Schedules may be ~~((submitted))~~ determined on a calendar or fiscal year basis. When an institution establishes ~~((an in lieu of))~~ a modified schedule, paid holidays shall be granted based on the ~~((approved in lieu of))~~ modified schedule.

(2) Classified employees working twelve-month schedules or cyclic year position employees who work full monthly schedules throughout their work year shall receive the number of holidays for which they qualify during their scheduled work year as set forth in this section. Qualification is determined by being in pay status on the work day preceding the holiday(s).

(3) Cyclic year position employees scheduled to work less than full monthly schedules throughout their work year qualify for holiday compensation if they work or are in pay status on their last regularly scheduled working day preceding the holiday(s) in that month.

(4) Part-time classified employees shall be entitled to the number of paid hours on a holiday that their monthly schedule bears to a full time schedule.

(5) Full-time alternate work schedule employees shall receive eight hours of regular holiday pay per holiday. Any differences between the scheduled shift for the day and eight hours may be adjusted by use of vacation leave, use or accumulation of compensatory time as appropriate, or leave without pay.

(6) When a holiday falls on an employee's regularly scheduled day off, he/she shall receive a day of compensatory time off.

(7) Holiday time worked shall be compensated as provided in WAC 251-09-035.

(8) Whenever a holiday falls on Sunday, the following Monday shall be considered a nonworking or legal holiday.

When a holiday falls on Saturday, the preceding Friday shall be considered a nonworking or legal holiday.

(9) Employees terminating immediately prior to a holiday do not qualify for holidays occurring after termination.

(10) Employees shall be entitled to one paid personal holiday per calendar year in addition to those specified in this section as provided in WAC 251-22-045.



WSR 95-19-008
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 95-127—Filed September 7, 1995, 8:00 a.m.]

Date of Adoption: September 5, 1995.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-32-05100P and 220-32-05500P; and amending WAC 220-32-051 and 220-32-055.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Harvestable numbers of salmon are available. This season is consistent with the 1995 fall management agreement and requirements of the Endangered Species Act. Consistent with preseason planning process for tribal fishing. Matches the Klickitat season with the mainstem Columbia River commercial season.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 2, amended 2, repealed 2; 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.

September 5, 1995

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-32-05100Q Columbia River salmon seasons above Bonneville. (1) Notwithstanding the provisions of WAC 220-32-051, WAC 220-32-052, WAC 220-32-053, WAC 220-32-056, WAC 220-32-057, and WAC 220-32-058, effective immediately it is unlawful for a person to take or possess salmon, shad or sturgeon for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas (SMCRA) 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakama, Warm springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

(a) Open for salmon and shad:

6:00 am September 6 to 6:00 pm September 9, 1995.

(b) Sturgeon - It shall be lawful to retain sturgeon for subsistence purposes only. It shall be unlawful to retain sturgeon less than 36" or greater than 72" in length. All sales of sturgeon are prohibited.

(c) Open Area: SMCRA 1F, 1G and 1H.

(d) Mesh: No mesh restriction

(2) Notwithstanding the provisions of WAC 220-32-058, closed areas at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between point one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia river between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) Spring Creek is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half miles downstream from the western shoreline of the mouth of Spring Creek.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G includes those waters of the Columbia River upstream from a line drawn between deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100P Columbia River salmon seasons above Bonneville. (95-111)

NEW SECTION

WAC 220-32-05500Q Columbia River tributaries—Subsistence. Notwithstanding the provisions of WAC 220-32-055, effective immediately until further notice, it is unlawful for a person possessing treaty rights under the Yakama treaty to take or possess salmon taken for subsistence purposes from the Klickitat River, except under the following provisions.

(1) The Klickitat River from the Swinging Bridge (river mile 1.5) to Fishway No. 5 (river mile 2.2) is open 6:00 am Wednesday, September 6 to 6:00 p.m. Saturday September 9, 1995.

(2) Allowable gear:

Dipnets, setbag net, or rod and reel with bait or lures. All other fishing gear and methods, including snagging are unlawful.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05500P Columbia River—Salmon season above Bonneville. (95-111)

**WSR 95-19-009
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-128—Filed September 7, 1995, 8:03 a.m.]

Date of Adoption: September 5, 1995.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-19000B; and amending WAC 220-56-190.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Catch Record Card Area 3 is projected to reach the coho subarea quota of 1,800 fish by September 10, 1995. Harvestable fish remain in the Catch Record Card Area 1 coho quota, and this area reopens September 10, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 1, amended 1, repealed 1; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 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.

September 5, 1995

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-56-19000C Coastal salmon—Saltwater seasons and bag limits. Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice it is unlawful to take, fish for or possess salmon taken for personal use from Catch Record Card Areas 1 through 4 except as provided below:

(1) Catch Record Card Area 1 - September 10 through September 28 - Daily limit F except release chinook salmon. Open Sunday through Thursday only. Closed within three miles of shore. Cumulative limit with Area 2 of no more than four salmon in any seven consecutive days.

(2) Catch Record Card Area 2 - Immediately through September 28 - Daily limit F except release chinook salmon. Open Sunday through Thursday only. Closed within three miles of shore. Cumulative limit with Area 1 of no more than four salmon in any seven consecutive days.

(3) Catch Record Card Area 3 - Immediately through September 10 - Daily limit F except release chinook salmon. Open Sunday through Thursday only. Closed within three miles of shore.

EMERGENCY

(4)(a) Catch Record Card Area 2-2 (Grays Harbor) waters of the Westport boat basin - August 16 until further notice - Daily limit A.

(4)(b) Catch Record Card Area 2-2 (Grays Harbor) waters east of the Channel Marker 13 Line - September 16 until further notice - Daily limit A.

(5) Catch Record Card Area 2-1 (Willapa Bay) - August 16 until further notice - Daily limit A.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000B Coastal salmon-Saltwater seasons and daily limits. (95-117)

**WSR 95-19-010
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-130—Filed September 7, 1995, 8:05 a.m.]

Date of Adoption: September 6, 1995.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-40-027.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Increased numbers of harvestable chinook salmon are available in Willapa Bay and there is insufficient time to promulgate permanent rules to harvest this surplus.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

September 6, 1995
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-40-02700K Willapa Bay salmon — Fall fishery. Notwithstanding the provisions of WAC 220-40-027, effective immediately through September 14, 1995, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

FISHING PERIOD

(1) Gill net gear may be used to fish for salmon from:

(a) 6:00 p.m. September 7 to 6:00 p.m. September 8 and 6:00 p.m. September 13 to 6:00 p.m. September 14, 1995 in SMCRA 2J, 2K, 2M, that part of SMCRA 2H west of Willapa Channel Marker 35, and that part of SMCRA 2G east of a line drawn true north-south through Willapa Channel Entrance Buoy 12.

(b) The Tokeland Boat Basin is closed to commercial fishing during the openings in SMCRA 2G described in subsection (a) of this section. The Tokeland Boat Basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

GEAR

(2) Gill net gear shall be used as provided in WAC 220-40-015, except that the maximum mesh size in 8-1/2 inches.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 14, 1995:

WAC 220-40-02700K Willapa Bay salmon—Fall fishery (95-130)

**WSR 95-19-012
EMERGENCY RULES
FOREST PRACTICES BOARD**

[Filed September 7, 1995, 8:14 a.m.]

Date of Adoption: August 9, 1995.

Purpose: To modify forest practices rules, in order to protect public resources while maintaining a viable timber industry.

Citation of Existing Rules Affected by this Order: Amending Title 222 WAC, WAC 222-16-010, 222-16-080, 222-24-030, 222-30-050, 222-30-060, 222-30-070, 222-30-100, 222-38-020, and 222-38-030. New sections added WAC 222-30-065 and 222-30-075.

Statutory Authority for Adoption: RCW 76.09.040 and chapter 34.05 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.

EMERGENCY

Reasons for this Finding: This emergency rule provides protection to the northern spotted owl and the marbled murrelet while the Forest Practices Board conducts the permanent rule adoption process. The northern spotted owl was listed as threatened by the United States Fish and Wildlife Service in July 1990 and by the Washington Wildlife Commission in January 1988. The marbled murrelet was listed in October 1992 and October 1993 respectively.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, amended 9, 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.

August 29, 1995

Jennifer M. Belcher

Commissioner of Public Lands

AMENDATORY SECTION (Amending WSR 94-17-033, filed 8/10/94, effective 8/13/94)

WAC 222-16-010 General definitions.* Unless otherwise required by context, as used in these regulations:

"Act" means the Forest Practices Act, chapter 76.09 RCW.

"Affected Indian tribe" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"Appeals board" means the forest practices appeals board established in the act.

"Area of resource sensitivity" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"Board" means the forest practices board established by the act.

"Bog" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western Hemlock, lodgepole pine, cedar, whitepine, crabapple, or aspen, and may be associated with open water. This includes nutrient-poor fens. See the *Forest Practices Board Manual*.

"Borrow pit" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"Chemicals" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"Clearcut" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Commercial tree species" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"Completion of harvest" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: *Provided*, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"Constructed wetlands" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"Contamination" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"Conversion option harvest plan" means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

"Conversion to a use other than commercial timber operation" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

"Critical habitat (federal)" means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior under Sections 3(5)(A) and 4(a)(3) of the Federal Endangered Species Act.

"Critical nesting season" means for marbled murrelets - April 1 to August 15.

"Critical wildlife habitat (state)" means those habitats designated by the board in accordance with WAC 222-16-080.

"Cultural resources" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"Cumulative effects" means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

"Daily peak activity" means for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

"Debris" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

"Department" means the department of natural resources.

"Eastern Washington" means the lands of the state lying east of an administrative line which approximates the change from the Western Washington timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

Thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,

Thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington state line.

"End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

"Erodible soils" means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

"Even-aged harvest methods" means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-30-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Fen" means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hardstem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

"Fertilizers" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

"Fill" means the placement of earth material or aggregate for road or landing construction or other similar activities. Fill does not include the growing or harvesting of timber including, but not limited to, slash burning, site preparation, reforestation, precommercial thinning, interme-

diate or final harvesting, salvage of trees, brush control, or fertilization.

"Flood level - 50 year." For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

"Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

"Forest land owner" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: *Provided*, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- Road and trail construction;
- Harvesting, final and intermediate;
- Precommercial thinning;
- Reforestation;
- Fertilization;
- Prevention and suppression of diseases and insects;
- Salvage of trees; and
- Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

"Forest trees" excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: *Provided*, That Christmas trees are forest trees and: *Provided further*, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

"Green recruitment trees" means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

"Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

"Historic site" includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

"Identified watershed processes" means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

Mass wasting;

Surface and road erosion;

Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);

Large organic debris;

Shading; and

Stream bank and bed stability.

"Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

"Interdisciplinary team" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

"Islands" means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

"Limits of construction" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

"Load bearing portion" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

"Local government entity" means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

"Low impact harvest" means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

"Merchantable stand of timber" means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products;

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

"Northern spotted owl site center" means the location documented by the department of fish and wildlife for Status 1, 2 or 3 northern spotted owls. The department shall rely upon the department of fish and wildlife for the determination of status based on the following definitions:

Status 1 Pair or reproductive - the presence or response of two birds of the opposite sex where past or current reproductive activities have been documented.

Status 2 Two birds, pair status unknown - the presence or response of two birds of the opposite sex where pair status cannot be determined and where at least one member must meet the resident single requirements.

Status 3 Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or multiple responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

"**Notice to comply**" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

"Occupied marbled murrelet site" means:

• A contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occurs:

• A nest is located; or
• Downy chicks or eggs or egg shells are found; or
• Marbled murrelets are detected flying below, through, into or out of the forest canopy; or
• Birds calling from a stationary location within the area; or

• Birds circling above the canopy; or
• A contiguous forested area which is not suitable marbled murrelet habitat in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

The outer perimeter of the occupied site shall be presumed to be the beginning of any gap greater than three hundred feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat." For sites defined above, it shall be the beginning of any gap greater than three hundred feet wide where one or more of the distinguishing vegetative characteristics important to murrelets is lacking.

The department shall rely upon the department of fish and wildlife for the determination of location of these occupied marbled murrelet sites.

"**Operator**" shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

"**Ordinary high-water mark**" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide

and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"**Other forest chemicals**" means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

"**Park**" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"**Partial cutting**" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"**Pesticide**" means any insecticide, herbicide, fungicide, or rodenticide but does not include nontoxic repellents or other forest chemicals.

"**Plantable area**" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"**Power equipment**" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"**Public resources**" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

"**Rehabilitation**" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"**Relief culvert**" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

"**Resource characteristics**" means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

"**Riparian management zone**" means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"**Rodenticide**" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of

the state department of agriculture may declare by regulation to be a pest.

"Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

"Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"Shorelines of the state" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"Site preparation" means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

"Skid trail" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"Slash" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

"Spoil" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"Stop work order" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"Suitable marbled murrelet habitat" means a contiguous forested area with all of the following characteristics:

- Within forty miles of marine waters;
- Containing at least eight trees per acre equal to or greater than 32 inches dbh;

- At least forty percent of the trees equal to or greater than thirty-two inches are Douglas-fir, western hemlock, western red cedar or sitka spruce; and

- Containing at least two nesting platforms per acre. Nesting platforms shall include any horizontal limb, tree structure, or deformity equal to or greater than seven inches in diameter and fifty feet or more in height above the ground.

"Threatened or endangered species" means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior, and all species of wildlife designated as "threatened" or "endangered" by the Washington wildlife commission.

"Timber" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

"Water bar" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"Watershed administrative unit (WAU)" means an area shown on the map specified in WAC 222-22-020(1).

"Watershed analysis" means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

"Weed" is any plant which tends to overgrow or choke out more desirable vegetation.

"Western Washington" means the lands of the state lying west of the administrative line described in the definition of Eastern Washington.

"Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

"Wetland functions" include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

"Wetland management zone" means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

"Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

"Wildlife reserve trees" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

"Windthrow" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

AMENDATORY SECTION (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

WAC 222-16-080 Critical wildlife habitats (state) and critical habitat (federal) of threatened and endangered species. (1) Critical wildlife habitats (state) of threatened or endangered species and specific forest practices designated as Class IV-Special are as follows:

(a) Bald eagle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of January 1 and August 15 or 0.25 mile at other times of the year; and within 0.25 mile of a communal roosting site. Communal roosting sites shall not include refuse or garbage dumping sites.

(b) Gray wolf - harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of March 15 and July 30 or 0.25 mile from the den site at other times of the year.

(c) Grizzly bear - harvesting, road construction, aerial application of pesticides, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of October 1 and May 30 or 0.25 mile at other times of the year.

(d) Mountain caribou - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active breeding area, documented by the department of wildlife.

(e) Oregon silverspot butterfly - harvesting, road construction, aerial or ground application of pesticides, or site preparation within 0.25 mile of an individual occurrence, documented by the department of wildlife.

(f) Peregrine falcon - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of March 1 and July 30; or harvesting, road construction, or aerial application of pesticides within 0.25 mile of the nest site at other times of the year.

(g) Sandhill crane - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active nesting area, documented by the department of wildlife.

(h) Northern spotted owl - harvesting, road construction, or aerial application of pesticides on the most suitable 500 acres of ((suitable)) nesting, ((breeding)) roosting, and foraging habitat surrounding the activity center of known Status 1, 2, or 3 spotted owls, documented by the department of fish and wildlife. The most suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife, tribes, and others with applicable expertise. Consideration shall be given to habitat quality, proximity to the activity center and contiguity in selecting the most suitable 500 acres of habitat.

~~((This rule is intended to be interim and will expire on February 9, 1994. Prior to the above expiration date))~~ The forest practices board will reconsider the protection of spotted owls based on consideration of advancing science

and increased data analysis, as well as the board's landscape planning for wildlife and would be influenced by the completion of the northern spotted owl recovery plan, rule making under the Federal Endangered Species Act, or other federal action, or other state actions.

~~((The department shall rely upon the department of wildlife for the determination of status based on the following definitions:~~

~~Status 1 Pair or reproductive—the presence or response of two birds of the opposite sex where past or current reproductive activities have been documented.~~

~~Status 2 Two birds, pair status unknown—the presence or response of 2 birds of the opposite sex where pair status cannot be determined and where at least 1 member must meet the resident single requirements.~~

~~Status 3 Resident territorial single—the presence or response of a single owl within the same general area on 3 or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or multiple responses over several years (i.e., 2 responses in year one and 1 response in year two, for the same general area:))~~

(i) Western pond turtle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known individual occurrence, documented by the department of wildlife.

(j) Marbled murrelet.

(i) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within an occupied marbled murrelet site.

(ii) Operation of heavy equipment, during the critical nesting season, within an occupied marbled murrelet site.

(iii) Use of aircraft below one thousand three hundred feet above ground level, during the critical nesting season, over an occupied marbled murrelet site or the required managed buffer zone adjacent to that site.

(iv) Harvesting within a three hundred foot wide managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stem stand density of seventy-five trees per acre greater than 6 inches dbh; provided that twenty-five of which shall be greater than 12 inches dbh including five trees greater than 20 inches dbh, where they exist. The primary consideration for the design of managed buffer zone widths and leave tree retention patterns shall be to mediate edge effects. The width of the buffer zone may be reduced in some areas to a minimum of two hundred feet and extended to maximum of four hundred feet as long as an average of three hundred feet is maintained.

(v) Blasting and slash burning, during the critical nesting season, within 0.25 mile of an occupied marbled murrelet site.

(vi) Harvesting, road construction, operation of heavy equipment, timber hauling, or use of aircraft below one thousand three hundred feet above ground level, during the daily peak activity periods within the critical nesting season, within 0.25 mile of an occupied marbled murrelet site.

(vii) Marbled murrelet critical wildlife habitat (state) shall not include habitat where a current marbled murrelet survey has been conducted and no use of the suitable

marbled murrelet habitat by a bird has been detected. Surveys shall be conducted utilizing a survey protocol which is acceptable to the department of fish and wildlife.

(viii) Site status determination and completion of marbled murrelet surveys shall not be a landowner responsibility.

(ix) This rule is intended to be interim and shall be changed as necessary, such as upon completion of a state or federal recovery plan for the marbled murrelet or significant new information.

(2) A site specific special wildlife management plan, including a bald eagle site management plan under WAC 232-12-292, developed by the landowner is preferred and shall replace the critical wildlife habitats (state) listed in subsection (1) of this section when such a plan has been established in cooperation with, and approved by, the department of fish and wildlife.

(3) The following critical habitats (federal) designated by the United States Secretary of the Interior, or specific forest practices within those habitats, have been determined to not have the potential for a substantial impact on the environment:

None listed.

(4) For the purpose of identifying forest practices which have the potential for a substantial impact on the environment with regard to threatened or endangered species newly listed by the Washington wildlife commission and/or the United States Secretary of the Interior, the department shall after consultation with the department of wildlife, prepare and submit to the board a proposed list of critical wildlife habitats (state) of threatened or endangered species. This list shall be submitted to the board within 15 days of the listing of the species. The department shall, at a minimum, consider potential impacts of forest practices on habitats essential to meeting the life requisites for each species listed as threatened or endangered. Those critical wildlife habitats (state) adopted by the board shall be added to the list in subsection (1) of this section. See WAC 222-16-050 (1)(b)(i).

(5) For the purpose of identifying any areas and/or forest practices within critical habitats (federal) designated by the United States Secretary of the Interior which do not have the potential for a substantial impact on the environment, the department shall, after consultation with the department of wildlife, submit to the board a proposed list of any forest practices and/or areas proposed for exclusion from Class IV - special forest practices. The department shall submit the list to the board within 120 days of the date the United States Secretary of the Interior publishes a final rule designating critical habitat (federal) in the Federal Register. Those critical habitats excluded by the board from Class IV - Special shall be added to the list in subsection (3) of this section. See WAC 222-16-050 (1)(b)(ii).

(6)(a) Except for bald eagles under subsection (1)(b) of this section, the critical wildlife habitats (state) of threatened and endangered species and specific forest practices designated in subsection (1) of this section are intended to be interim. These interim designations shall expire for a given species on the earliest of:

(i) The effective date of a regulatory system for wildlife protection referred to in (b) of this subsection or of substantive rules on the species.

(ii) The delisting of a threatened or endangered species by the Washington wildlife commission.

(b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and recommend by May 1993 a regulatory system, including baseline rules for wildlife protection. To the extent possible, this system shall:

(i) Use the best science and management advice available;

(ii) Use a landscape approach to wildlife protection;

(iii) Be designed to avoid the potential for substantial impact to the environment;

(iv) Protect known populations of threatened and endangered species of wildlife from negative effects of forest practices consistent with RCW 76.09.010; and

(v) Consider and be consistent with recovery plans adopted by the department of wildlife pursuant to RCW 77.12.020(6) or habitat conservation plans or 16 U.S.C. 1533(d) rule changes of the Endangered Species Act.

(7) Regardless of any other provision in this section, the following are not critical wildlife habitats (state) or critical habitats (federal) for the particular species:

(a) Forest practices on lands covered by a conservation plan and permit for a particular species approved by the U.S. Fish and Wildlife Service pursuant to 16 U.S.C. 1539 (a)(2) consistent with that plan and permit; or

(b) Forest practices covered by a rule adopted by the U.S. Fish and Wildlife Service for the conservation of a particular threatened species pursuant to 16 U.S.C. 1533(d).

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-30-050 Felling and bucking. *(1) Falling along water.

(a) No trees will be felled into Type 1, 2 and 3 Waters, or Type A or B Wetlands except trees which cannot practically and safely be felled outside the stream, lake or pond using techniques in general use and these trees must then be removed promptly.

Such felling and removing in Type 1, 2 or 3 Waters shall comply with the hydraulic project approval of the departments of fisheries or wildlife.

(b) Within riparian management zones, and wetland management zones fall trees favorable to the lead consistent with safety standards to yard or skid away from the waters. The use of directional falling, lining, jacking and staged falling techniques are encouraged.

(c) Trees may be felled into Type 4 Water if logs are removed as soon thereafter as practical. See forest practices board manual guidelines for clearing slash and debris from Type 4 and 5 Water.

***(2) Bucking in water.**

(a) No bucking or limbing shall be done on trees or portions thereof lying between the banks of Type 1, 2 or 3 Waters or in open water areas of Type A Wetlands, except as necessary to remove the timber from the water.

(b) Where bucking or limbing is done between the banks of a Type 4 Water, care shall be taken to minimize accumulation of slash in the water.

***(3) Falling near riparian management zones, wetland management zones and setting boundaries.**

Reasonable care shall be taken to avoid felling trees into riparian management zones, wetland management zones and areas outside the harvest unit.

(4) **Falling in selective and partial cuts.** Reasonable care shall be taken to fall trees in directions that minimize damage to residual trees.

(5) **Disturbance avoidance.** Felling and bucking shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-30-060 Cable yarding. *(1) **Type 1, 2 and 3 Waters.** No timber shall be cable yarded in or across a Type 1, 2 or 3 Waters except where the logs will not materially damage the bed of waters, banks or riparian management zones and removals from Type 1, 2 or 3 Water have hydraulic project approval of the departments of fisheries or wildlife.

*(2) **Type A or B Wetlands.** No timber shall be cable yarded in or across Type A or B Wetlands without written approval from the department.

*(3) **Deadfalls.** Any logs which are firmly embedded in the bed of a Type 1, 2, 3 and 4 Waters shall not be removed or unnecessarily disturbed without approval of the departments of fisheries or wildlife.

*(4) **Yarding in riparian management zones and wetland management zones.** Where timber is yarded from or across a riparian management zone, or wetland management zone reasonable care shall be taken to minimize damage to the vegetation providing shade to the stream or open water areas and to minimize disturbance to understory vegetation, stumps and root systems. Where practical and consistent with good safety practices, logs shall be yarded in the direction in which they lie and away from Type A or B Wetlands or Type 1, 2 and 3 Waters until clear of the wetland management zone or riparian management zone.

(5) **Direction of yarding.**

(a) Uphill yarding is preferred.

(b) Where downhill yarding is used, reasonable care shall be taken to lift the leading end of the log to minimize downhill movement of slash and soils.

*(c) When yarding parallel to a Type 1, 2 or 3 Water channel below the 50-year flood level or within the riparian management zone, reasonable care shall be taken to minimize soil disturbance and to prevent logs from rolling into the stream, lake, pond, or riparian management zone.

(6) **Disturbance avoidance.** The operation of heavy equipment shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

NEW SECTION

WAC 222-30-065 Helicopter yarding. Helicopter operations shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-30-070 Tractor and wheeled skidding systems. *(1) **Typed waters and wetlands.**

(a) Tractor and wheeled skidders shall not be used in Type 1, 2 or 3 Water, except with approval by the department and with a hydraulic project approval of the departments of fisheries or wildlife.

(b) In order to maintain wetland water movement and water quality, and to prevent soil compaction, tractor or wheeled skidders shall not be used in Type A or B Wetlands without prior written approval of the department.

(c) Within all wetlands, tractors and wheeled skidder systems shall be limited to low impact harvest systems. Ground based logging systems operating in wetlands shall only be allowed within wetlands during periods of low soil moisture or frozen soil conditions.

(d) Skidding across any flowing Type 4 Water shall be minimized and when done, temporary stream crossings shall be used, if necessary, to maintain stream bed integrity.

(e) Whenever skidding in or across any type water, the direction of log movement between stream banks shall be as close to right angles to the stream channel as is practical.

*(2) **Riparian management zone.**

(a) Logging will be permitted within the zone. However, any use of tractors, wheeled skidders, or other yarding machines within the zone must be as described in an approved forest practices application or otherwise approved in writing by the department.

(b) Where skidding in or through the riparian management zone is necessary, the number of skidding routes through the zone shall be minimized.

(c) Logs shall be skidded so as to minimize damage to leave trees and vegetation in the riparian management zone, to the extent practical and consistent with good safety practices.

*(3) **Wetlands management zones.**

(a) Logging will be permitted within wetland management zones.

(b) Where feasible logs shall be skidded at least with one end suspended from the ground so as to minimize soil disturbance and damage to leave trees and vegetation in the wetland management zone.

(c) Tractors, wheeled skidders, or other ground based harvesting systems shall not be used within the minimum WMZ width without written approval of the department.

*(4) **Deadfalls.** Logs firmly embedded in the bed or bank of Type 1, 2, 3 or 4 Waters shall not be removed or unnecessarily disturbed without hydraulic project approval of the departments of fisheries or wildlife.

*(5) **Moisture conditions.** Tractor and wheeled skidders shall not be used on exposed erodible soils or saturated soils when soil moisture content is so high that unreasonable soil compaction, soil disturbance, or wetland, stream, lake or pond siltation would result.

(6) **Protection of residual timber.** Reasonable care shall be taken to minimize damage from skidding to the stems and root systems of residual timber and to young reproduction.

*(7) **Skid trail construction.**

(a) Skid trails shall be kept to the minimum feasible width.

(b) Reasonable care shall be taken to minimize the amount of sidecast required and shall only be permitted above the 50-year flood level.

(c) Skid trails shall be outsloped where practical, but be insloped where necessary to prevent logs from sliding or rolling downhill off the skid trail.

*** (8) Skid trail maintenance.** Upon completion of use and termination of seasonal use, skid trails on slopes in exposed soils shall be water barred where necessary to prevent soil erosion.

*** (9) Slope restrictions.** Tractor and wheeled skidders shall not be used on slopes where in the opinion of the department this method of operation would cause unnecessary or material damage to a public resource.

(10) Disturbance avoidance. The operation of heavy equipment shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

NEW SECTION

WAC 222-30-075 Timber and rock hauling. The following limits on timber hauling shall apply within 0.25 mile northern spotted owl site center between March 1 and August 31:

(1) At all times of the day vehicle speed shall be limited to fifteen miles per hour; and

(2) Timber and rock hauling shall be limited to one hour after official sunrise to one hour before official sunset; and

(3) All reasonable attempts shall be made to minimize traffic within suitable habitat, attempt to route traffic through nonhabitat.

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-30-100 Slash disposal or prescribed burning. (1) **Slash disposal techniques:**

*** (a)** Any conventional method of slash disposal may be used, except in Type A or B Wetlands, wetland management zones, and riparian management zones and on sites where the department determines that a particular method would cause unreasonable risk to public resources or unreasonably damage site productivity. Conventional methods of slash disposal include the following: Controlled broadcast burning; pile or windrow and burn; pile or windrow without burning; mechanical scatter and compaction; scarification; chip, mulch or lop and scatter; burying; and physical removal from the forest lands: *Provided*, That on land shown to have low productivity potential the landowner or operator shall obtain the department's approval of its regeneration plan prior to utilizing controlled broadcast burning as a slash disposal technique. In riparian management zones, slash disposal shall be by hand, unless approved by the department. Scarification shall not be allowed within wetlands. Machine piling is discouraged in wetlands.

(b) All slash burning requires a burning permit from the department which provides for compliance with the smoke management plan and reasonable care to protect Type A and B Wetlands, wetland management zones, riparian manage-

ment zones, soil, residual timber, public resources, and other property.

*** (c) Location of slash piles.** Except where burning will be completed before the next ordinary high-water season, slash shall not be piled or windrowed below the 50-year flood level of any Type 1, 2, 3 or 4 Water or in locations from which it could be expected to enter any stream, lake or pond.

(2) **Slash isolation, reduction, or abatement** is required when the department determines there is an extreme fire hazard according to law (see WAC 332-24-360).

(3) **Slash disposal** is required where the forest landowner has applied for and been granted an extension of time for reforestation on the grounds that slash disposal is necessary or desirable before reforestation.

*** (4) Removing slash and debris from streams.**

"Slash" or "debris" which can reasonably be expected to cause significant damage to the public resource shall be removed from Type 1, 2, 3 or 4 Waters, to above the 50-year flood level and left in a location or manner minimizing risk of re-entry into the stream, lake or pond and if substantial accumulations of slash exist below the 50-year flood level of Type 1, 2, 3 or 4 Waters, slash disposal is required. See the forest practices board manual for "Guidelines for clearing slash and debris from Type 4 and 5 Waters."

*** (5) Fire trails.**

(a) Construct dips, water bars, cross drainage and ditches as needed to control erosion.

(b) Reasonable care shall be taken to minimize excavation during fire trail construction and sidecast shall only be permitted above the 50-year flood level.

(c) Fire trails shall not be located within Type A or B Wetlands, wetland management zones, or riparian zones without prior written approval of the department. Hand constructed fire trails are preferred within forested wetlands. When machine built fire trails are necessary for control of burning, trail width and excavation shall be minimized.

(6) Disturbance avoidance. Burning shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

AMENDATORY SECTION (Amending WSR 92-23-056, filed 11/17/92, effective 12/18/92)

WAC 222-24-030 Road construction. (1) **Right of way timber.** Merchantable right of way timber shall be removed or decked in suitable locations where the decks will not be covered by fill material or act as support for the fill or embankment.

*** (2) Debris burial.**

(a) In permanent road construction, do not bury:

(i) Loose stumps, logs or chunks containing more than 5 cubic feet in the load-bearing portion of the road, except as puncheon across wetlands or for culvert protection.

(ii) Any significant amount of organic debris within the top 2 feet of the load-bearing portion of the road, except as puncheon across wetlands or for culvert protection.

(iii) Excessive accumulation of debris or slash in any part of the load-bearing portion of the road fill, except as puncheon across wetlands or for culvert protection.

(b) In the cases where temporary roads are being constructed across known areas of unstable soils and where

possible construction failure would directly impact waters, the requirements in (a), (i), (ii) and (iii) of this subsection shall apply. A temporary road is a roadway which has been opened for the purpose of the forest practice operation in question, and thereafter will be an inactive or abandoned road.

(3) **Compact fills.** During road construction, fills or embankments shall be built up by layering. Each layer shall be compacted by operating the tractor or other construction equipment over the entire surface of the layer. Chemical compacting agents may be used in accordance with WAC 222-38-020.

* (4) **Stabilize soils.** When soil, exposed by road construction, appears to be unstable or erodible and is so located that slides, slips, slumps, or sediment may reasonably be expected to enter Type 1, 2, 3 or 4 Water and thereby cause damage to a public resource, then such exposed soil areas shall be seeded with grass, clover, or other ground cover, or be treated by erosion control measures acceptable to the department. Avoid introduction of nonnative plant species, as listed in the board manual, to wetlands and wetland management zones.

* (5) **Channel clearance.** Clear stream channel of all debris and slash generated during operations prior to the removal of equipment from the vicinity, or the winter season, whichever is first.

* (6) **Drainage.**

(a) All required ditches, culverts, cross drains, drainage dips, water bars, and diversion ditches shall be installed concurrently with the construction of the roadway.

(b) Uncompleted road construction to be left over the winter season or other extended periods of time shall be drained by outsliping or cross draining. Water bars and/or dispersion ditches may also be used to minimize eroding of the construction area and stream siltation. Water movement within wetlands must be maintained.

* (7) **Moisture conditions.** Construction shall be accomplished when moisture and soil conditions are not likely to result in excessive erosion and/or soil movement, so as to avoid damage to public resources.

* (8) **End haul/sidecasts.** End haul or overhaul construction is required where significant amounts of sidecast material would rest below the 50-year flood level of a Type 1, 2, 3, or 4 Water, within the boundary of a Type A or Type B Wetland or wetland management zones or where the department determines there is a potential for mass soil failure from overloading on unstable slopes or from erosion of side cast material causing damage to the public resources.

* (9) **Waste disposal.** When spoil, waste and/or other debris is generated during construction, this material shall be deposited or wasted in suitable areas or locations and be governed by the following:

(a) Spoil or other debris shall be deposited above the 50-year flood level of Type 1, 2, 3, or 4 Waters or in other locations so as to prevent damage to public resources. The material shall be stabilized by erosion control measures as necessary to prevent the material from entering the waters.

(b) All spoils shall be located outside of Type A and Type B Wetlands and their wetland management zones. Spoils shall not be located within the boundaries of forested wetlands without written approval of the department and unless a less environmentally damaging location is unavail-

able. No spoil area greater than 0.5 acre in size shall be allowed within wetlands.

(10) Disturbance avoidance. Road construction, operation of heavy equipment and blasting shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

AMENDATORY SECTION (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

WAC 222-38-020 Handling, storage, and application of pesticides. *(1) **No pesticide leakage, contamination, pollution.**

Transportation, handling, storage, loading, application, and disposal of pesticides shall be consistent with applicable label requirements and other state and federal requirements.

* (2) **Mixing and loading areas.**

(a) Mix pesticides and clean tanks and equipment only where any accidental spills would not enter surface water or wetlands.

(b) Storage and loading areas should be located where accidental spillage of pesticides will not enter surface water or wetlands. If any pesticide is spilled, immediate appropriate procedures should be taken to contain it.

(c) Use devices or procedures to prevent "back siphoning" such as providing an air gap or reservoir between the water source and the mixing tank.

* (3) **Riparian management zone.** Pesticide treatments within the riparian management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

* (4) **Wetland management zone.** Pesticide treatment within the wetland management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

* (5) **Aerial application of pesticides.**

(a) To keep pesticides out of the water, leave a 50 foot buffer strip on all typed waters, except segments of Type 4 and 5 Waters with no surface water and other areas of open water, such as ponds or sloughs.

(b) Apply the initial swath parallel to the buffer strip in (a) of this subsection unless a deviation is approved in advance by the department. Drift control agents shall be required adjacent to buffer strips. Avoid applications that might result in drift causing direct entry of pesticides into riparian management zones, Type A and B Wetlands, wetland management zones, and all typed waters, except segments of Type 4 and 5 Waters with no surface water.

(c) Use a bucket or spray device capable of immediate shutoff.

(d) Shut off spray equipment during turns and over open water.

(e) Leave at least a 200 foot buffer strip around residences and 100 foot buffer strip adjacent to lands used for agriculture unless such residence or farmland is owned by the forest landowner or the aerial application is acceptable to the resident or landowner.

(f) The landowner shall identify for the operator the units to be sprayed and the untreated areas within the units with appropriately marked aerial photos or detailed planimetric maps. Before application of the pesticide an over-

flight of the area shall be made by the pilot with the marked photos or maps.

(g) Aerial chemical application areas shall be posted by the landowner by signing at significant points of regular access at least 5 days prior to treatment. Posting shall remain at least 15 days after the spraying is complete. The department may require an extended posting period in areas where human use or consumption of plant materials is probable. Posting at formal, signed trailheads that are adjacent to aerially treated units is required. The signs will contain the name of the product used, date of treatment, a contact telephone number, and any applicable restrictions.

(h) Disturbance avoidance. Helicopter operations shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

***(6) Ground application of pesticides with power equipment.**

Leave a 25-foot buffer strip on each side of Type A or B Wetlands and all typed waters, except segments of Type 4 and 5 Waters with no surface water.

***(7) Hand application of pesticides.**

Apply only to specific targets, such as vegetation, trees, stumps, and burrows, or as bait or in traps.

***(8) Limitations on application.** Pesticides shall be applied only in accordance with all limitations:

(a) Printed on the United States Environmental Protection Agency container registration label, and/or

(b) Established by regulation of the state department of agriculture.

(c) Established by state and local health departments (in municipal watersheds).

(d) Established by the Federal Occupational Safety and Health Administration, or the state department of labor and industries, as they relate to safety and health of operating personnel and the public.

(e) The department or the department of agriculture may suspend further use of any equipment responsible for chemical leakage until the deficiency has been corrected to the satisfaction of the department suspending its usage.

***(9) Container disposal.** Pesticide containers shall be either:

(a) Removed from the forest and disposed of in the manner consistent with label directions; or

(b) Removed and cleaned for reuse in a manner consistent with any applicable regulations of the state department of agriculture or the state or local health departments.

***(10) Daily records - aerial application of pesticides.** On all aerial applications of pesticides, the operator shall maintain for 3 years daily records of spray operations as required by the state department of agriculture WAC 16-228-190.

***(11) Reporting of spills.** All potentially damaging chemical spills shall be immediately reported to the department of ecology. Emergency telephone numbers for reporting spills shall be available at the department's regional offices.

AMENDATORY SECTION (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

WAC 222-38-030 Handling, storage, and application of fertilizers. ***(1) Storage and loading areas.** Storage and loading areas should be located where accidental spillage of fertilizers will not enter surface water or wetlands. If any fertilizer is spilled, immediate appropriate procedures shall be taken to contain it.

***(2) Riparian management zone.** Fertilizer treatments within a riparian management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

***(3) Wetland management zone.** Fertilizer treatments within a wetland management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

***(4) Aerial application of fertilizer.**

(a) Proposed fertilization units shall be planned to avoid and to minimize the direct or indirect introduction of fertilizer into waters and wetlands.

(b) Leave a 25 foot buffer on all Type 1, 2, and 3 Waters, except as noted in (f) of this subsection.

(c) When the helicopter flight path during fertilizer application is parallel to a water course or the WMZ edge, the centerline of the initial swath should be adjusted to prevent direct application within the buffers or WMZs.

(d) Leave at least a 200 foot buffer strip around residences and a 100 foot buffer strip adjacent to lands used for agriculture unless such residence or farmland is owned by the forest landowner or the aerial application is acceptable to the resident or landowner.

(e) The landowner shall identify for the operator the units to be fertilized and the untreated areas within the units with appropriately marked aerial photos or detailed planimetric maps. Before application of the fertilizer, an over-flight of the area shall be made by the pilot with the marked photos or maps.

(f) Where the department has been provided information by the department of ecology indicating that water quality in downstream waters is likely to be impaired by entry of fertilizer into waters, such waters shall be protected by site specific conditioning.

(g) Disturbance avoidance. Helicopter operations shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and July 31.

***(5) Ground and hand application of fertilizers.** Prevent fertilizer from entering Type A and B Wetlands and all typed waters, except segments of Type 4 and 5 Waters with no surface water.

***(6) Reporting of fertilizer spills.** All fertilizer spills involving streams, lakes, wetlands, or other waters of the state shall be immediately reported to the department of ecology. Emergency telephone numbers for reporting spills shall be available at the department's regional offices.

WSR 95-19-015
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Fisheries)

[Order 95-129—Filed September 7, 1995, 11:48 a.m., effective September 10, 1995]

Date of Adoption: September 6, 1995.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-601.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Openings in Area 7B provide opportunity to harvest the non-Indian allocation of coho salmon destined for the Nooksack-Samish region of origin per preseason schedule. Gillnet mesh restriction and purse seine release requirement, and in-season area restriction are necessary to reduce nontreaty impacts relative to regional chinook run size estimate 37% below preseason forecast. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 1, amended 0, repealed 1; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 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: September 10, 1995.

September 6, 1995

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-47-602 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday September 10, 1995 until further notice, it shall be unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * **Area 7B** - Gill nets using 5-inch minimum, 6-inch maximum mesh may fish from 6:00 a.m. Sunday, September 10 through 11:59 p.m. Saturday, October 28, and purse seines using the 5-inch strip may fish from 6:00 a.m. Monday, September 11, through 11:59 p.m. Saturday, October 28. Purse seines are required to release all chinook salmon. In addition to the exclusion zones listed in WAC 220-47-307, area 7B is closed south of a line projected from Governors Point to the most northerly Point on Vendovi Island.
- * **Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7C, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K,** all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-601 Puget Sound all-citizen commercial salmon fishery (Order 95-112)

WSR 95-19-024
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Fisheries)

[Order 95-131—Filed September 8, 1995, 3:02 p.m., effective September 11, 1995]

Date of Adoption: September 8, 1995.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-56-191.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: The United States/Canada treaty negotiations have provided for a larger than expected coho escapement and coho salmon are available for harvest.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 1, amended 1, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 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: September 11, 1995.

September 8, 1995

Judith Freeman

Deputy

for Robert Turner

Director

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: September 14, 1995.

September 12, 1995

Robert Turner

Director

NEW SECTION

WAC 220-56-19100M Puget Sound salmon — Saltwater seasons and daily limits Notwithstanding the provisions of WAC 220-56-191 effective September 11, 1995 until further notice:

(1) Catch Record Card Area 5, - Daily limit of two salmon except that all chinook salmon must be released immediately.

(2) Catch Record Card Area 6, except waters of Dungeness Bay westerly of a line projected 155 degrees true from Dungeness Spit Light to Kulakala Point - Daily limit of two salmon except that all chinook salmon must be released immediately.

NEW SECTION

WAC 220-57-31000Q Kalama River Notwithstanding the provisions of WAC 220-57-310, Daily Limit A September 14, 1995 through October 15, 1995 upstream from a point 200 feet above the temporary rack to a point 1,000 feet below the upper salmon hatchery fishway. Release chinook salmon 28 inches in length or greater during the period October 16, 1995 through December 31, 1995 upstream from the natural gas pipeline to a point 1,000 feet below the upper salmon hatchery fishway.

Special gear restrictions: Effective September 14, 1995 through October 31, 1995, fly fishing only in that portion of the Kalama River from markers at the Lower Kalama Hatchery pumphouse (intake) downstream to the natural gas pipeline crossing at Mahaffey's Campground.

REPEALER

The following section of the Washington Administrative Code is repealed effective January 1, 1996:

WAC 220-57-31000Q Kalama River (95-132)

**WSR 95-19-041
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-132—Filed September 13, 1995, 3:04 p.m., effective September 14, 1995]

Date of Adoption: September 12, 1995.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-31000Q; and amending WAC 220-57-310.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Open a harvest opportunity up for surplus adult chinook salmon.

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 1, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

**WSR 95-19-042
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-133—Filed September 13, 1995, 3:06 p.m., effective September 13, 1995]

Date of Adoption: September 12, 1995.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100Q and 220-32-05500Q; and amending WAC 220-32-051 and 220-32-055.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Harvestable numbers of salmon are available. This season is consistent with the 1995 fall management agreement and requirements of the Endangered Species Act.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 2, amended 2, repealed 2; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

EMERGENCY

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: September 13, 1995.

September 12, 1995

Robert Turner
Director

NEW SECTION

WAC 220-32-05100R Columbia River salmon seasons above Bonneville. (1) Notwithstanding the provisions of WAC 220-32-051, WAC 220-32-052, WAC 220-32-053, WAC 220-32-056, WAC 220-32-057, and WAC 220-32-058, effective immediately it is unlawful for a person to take or possess salmon, shad or sturgeon for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas (SMCRA) 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakama, Warm springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

(a) Open for salmon and shad: 6:00 am September 13 to 6:00 pm September 15, 1995.

(b) Sturgeon - It shall be lawful to retain sturgeon for subsistence purposes only. It shall be unlawful to retain sturgeon less than 36" or greater than 72" in length. All sales of sturgeon are prohibited.

(c) Open Area: SMCRA 1F, 1G and 1H.

(d) Mesh: No mesh restriction

(2) Notwithstanding the provisions of WAC 220-32-058, closed areas at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between point one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the

thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia river between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) Spring Creek is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half miles downstream from the western shoreline of the mouth of Spring Creek.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G includes those waters of the Columbia River upstream from a line drawn between deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100Q	Columbia River salmon seasons above Bonneville. (95-127)
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NEW SECTION

WAC 220-32-05500R Columbia River tributaries—Subsistence. Notwithstanding the provisions of WAC 220-32-055, effective immediately until further notice, it is unlawful for a person possessing treaty rights under the Yakama treaty to take or possess salmon taken for subsis-

tence purposes from the Klickitat River, except under the following provisions.

(1) The Klickitat River from the Swinging Bridge (river mile 1.5) to Fishway No. 5 (river mile 2.2) is open 6:00 am Wednesday, September 13 to 6:00 p.m. Saturday September 16, 1995.

(2) Allowable gear: Dipnets, setbag net, or rod and reel with bait or lures. All other fishing gear and methods, including snagging are unlawful.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05500Q Columbia River—Salmon season above Bonneville. (95-127)

WSR 95-19-043
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 95-134—Filed September 13, 1995, 3:08 p.m., effective October 5, 1995]

Date of Adoption: September 12, 1995.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000P; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Test results show that adequate clams are available for harvest in Razor Clam Areas 1, 2 and those portions of Razor Clam Area 3 opened for harvest.

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 1, 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: October 5, 1995.

September 12, 1995

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-56-36000P Razor clams — Areas and seasons Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3, or except as provided for in this section:

(1) Effective 12:01 pm October 5 through 11:59 pm October 31, 1995, razor clam digging is allowed in the following areas: all of Razor Clam Area 1; that portion of Razor Clam Area 3 that is located between the Copalis River (Grays Harbor County) and the southern boundary of the Quinault Indian Reservation (Grays Harbor County). Digging is allowed from 12:01 pm to 11:59 pm on odd numbered days only.

(2) Effective 12:01 pm October 5 through 11:59 pm November 15, 1995, razor clam digging is allowed in the following area: that portion of Razor Clam Area 3 between Olympic National Park Beach Trail 2 (Kalaloch area, Jefferson County) and Olympic National Park Beach Trail 3 (Kalaloch area, Jefferson County). Digging is allowed from 12:01 pm to 11:59 pm on odd numbered days only.

(3) Effective 12:01 pm October 5 through 11:59 pm November 29, 1995, razor clam digging is allowed in the following area: all of Razor Clam Area 2. Digging is allowed from 12:01 pm to 11:59 pm on odd numbered days only.

(4) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

REPEALER

The following section of the Washington Administrative Code is repealed effective November 30, 1995:

WAC 220-56-36000P Razor clams — Areas and seasons (95-134)

WSR 95-19-044
EMERGENCY RULES
LOTTERY COMMISSION
[Filed September 13, 1995, 3:14 p.m.]

Date of Adoption: September 8, 1995.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game No. 153 "Bingo," as WAC 315-11A-153.

Statutory Authority for Adoption: RCW 67.70.040.

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

Reasons for this Finding: This emergency rule authorizes the production and sale of Instant Game No. 153 "Bingo." It is the same game as No. 135, "Bingo," adopted as WAC 315-11A-135. The game number is being changed to accommodate production limitations on the number of tickets which can be printed under a single game number. Due to the strong sales of Game No. 135, "Bingo," and to prevent a lapse in the availability of "Bingo" tickets for sale, which would cause a reduction in sales revenue and a loss to the state general fund, it is necessary to reprint "Bingo," Game No. 135, as Game No. 153. The total number of tickets to be printed under both game numbers will exceed the number of tickets which could have been printed under game No. 135 alone.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

September 13, 1995

Evelyn P. Yenson

Director

NEW SECTION

WAC 315-11A-153 Instant Game Number 153 ("Bingo"). (1) Definitions for Instant Game Number 153.

(a) Play symbols: The play symbols are all the integers from "1" to "75," inclusive, and the word "free." Twenty-four of these play symbols shall appear in each of four play fields on the front of the ticket. Each playfield shall be known as a "player's card" and each ticket shall have four player's cards, one each labeled "Card 1," "Card 2," "Card 3," and "Card 4." The 24 play symbols in each card shall be placed in a 5-play-symbol by 5-play-symbol configuration with a "free" space in the center of each card. Each ticket shall have a "Caller's Card" which shall have 24 play symbols which shall be covered by latex.

(b) Validation number: The unique nineteen-digit number on the front of the ticket. The number is covered by latex.

(c) Pack-ticket number: The twelve-digit number of the form 15300001-1-000 printed on the back of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 153 constitute the "pack number" which starts at 15300001; the last three digits constitute the "ticket number" which starts at 000 and continues through 199 within each pack of tickets.

(d) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket in the Caller's Card section which the lottery retailer uses to verify instant winners of \$600.00 or less. For Instant Game Number 153, the retailer verification code is a three-letter code, with each letter appearing beneath the removable covering and among the play symbols in the Caller's Card section on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TWO	\$ 2.00
THR	\$ 3.00
FIV	\$ 5.00 (\$2 AND \$3)
TEN	\$ 10.00
TWF	\$ 25.00
TRY	\$ 30.00 (\$2, \$3, AND \$25)
FRY	\$ 40.00 (\$2, \$3, \$10, AND \$25)
FTY	\$ 50.00
OHF	\$ 150.00
TWH	\$ 200.00 (\$25, \$25, AND \$150; \$50 AND \$150)
THF	\$ 250.00 (\$25, \$25, \$50 AND \$150; \$250)

(e) Pack: A set of one hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(2) Criteria for Instant Game Number 153.

(a) The price of each instant game ticket shall be \$2.00.

(b) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(i) When the play symbols in any of the player's cards, which match exactly the play symbols in the Caller's Card, form the following configurations, the bearer of the ticket shall be entitled to a prize as follows:

- Card 1: Either five matching play symbols, or four matching play symbols and the free space, in a horizontal, vertical or diagonal line in Card 1 shall entitle the bearer to \$2.00.
 - A matching play symbol in each and every corner space of Card 1 shall entitle the bearer to \$25.00.
 - Eight matching play symbols forming an "X" on Card 1 shall entitle the bearer to \$150.00. The "X" must have the "free" space at its center.
- Card 2: Either five matching play symbols, or four matching play symbols and the free space, in a horizontal, vertical or diagonal line in Card 2 shall entitle the bearer to \$3.00.
 - A matching play symbol in each and every corner space of Card 2 shall entitle the bearer to \$50.00.
 - Eight matching play symbols forming an "X" on Card 2 shall entitle the bearer to \$250.00. The "X" must have the "free" space at its center.
- Card 3: Either five matching play symbols, or four matching play symbols and the free space, in a horizontal, vertical or diagonal line in Card 3 shall entitle the bearer to \$10.00.

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- A matching play symbol in each and every corner space of Card 3 shall entitle the bearer to \$150.00.
 - Eight matching play symbols forming an "X" on Card 3 shall entitle the bearer to \$1,000.00. The "X" must have the "free" space at its center.
- Card 4: Either five matching play symbols, or four matching play symbols and the free space, in a horizontal, vertical or diagonal line in Card 4 shall entitle the bearer to \$25.00.
- A matching play symbol in each and every corner space of Card 4 shall entitle the bearer to \$250.00.
 - Eight matching play symbols forming an "X" on Card 4 shall entitle the bearer to \$10,000. The "X" must have the "free" space at its center.

(ii) The bearer of a ticket which is entitled to a prize from more than one player's card shall be entitled to the total of the prizes won on all the cards, provided however, that where there is more than one prize on one player's card, only the highest prize on that player's card shall be paid.

(iii) Play symbols may not be combined, exchanged, or intermingled among or within one or more player's cards.

(c) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(d) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 153 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(e) Notwithstanding any other provisions of these rules, the director may:

(i) Vary the length of Instant Game Number 153; and/or

(ii) Vary the number of tickets sold in Instant Game Number 153 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 153.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 153 all of the following validation requirements apply:

(i) Exactly 25 play symbols must appear in each of the player's cards on the front of the ticket. One of the play symbols shall be "free" which shall appear in the exact center of each player's card.

(ii) Exactly 24 play symbols must appear in the Caller's Card section on the front of the ticket.

(iii) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Pack-Ticket Number	Validation Font

Validation Number	Validation Font
Retailer Verification Code	Validation Font

(iv) Each of the play symbols, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(v) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section.

(b) Any ticket not passing all the validation requirements in WAC 315-10-070 and in (a) of this subsection is invalid and ineligible for any prize.

**WSR 95-19-046
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-135—Filed September 14, 1995, 2:05 p.m.]

Date of Adoption: September 14, 1995.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-19000C; and amending WAC 220-56-190.

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: Catch Record Card Areas 1 and 2 are projected to reach their coho subarea quotas by September 17, 1995.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 1, amended 1, repealed 1; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 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.

September 14, 1995
Edward P. Manary
for Robert Turner
Director

NEW SECTION

WAC 220-56-19000D Coastal salmon—Saltwater seasons and bag limits. Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice it is unlawful to take, fish for or possess salmon taken for

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personal use from Catch Record Card Areas 1 through 4 except as provided below:

(1) Catch Record Card Area 1 - Immediately through September 17 - Daily limit F except release chinook salmon. Open Sunday through Thursday only. Closed within three miles of shore. Cumulative limit with Area 2 of no more than four salmon in any seven consecutive days.

(2) Catch Record Card Area 2 - Immediately through September 17 - Daily limit F except release chinook salmon. Open Sunday through Thursday only. Closed within three miles of shore. Cumulative limit with Area 1 of no more than four salmon in any seven consecutive days.

(3)(a) Catch Record Card Area 2-2 (Grays Harbor) waters of the Westport boat basin - August 16 until further notice - Daily limit A.

(3)(b) Catch Record Card Area 2-2 (Grays Harbor) waters east of the Channel Marker 13 Line - September 16 until further notice - Daily limit A.

(4) Catch Record Card Area 2-1 (Willapa Bay) - August 16 until further notice - Daily limit A.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000C Coastal salmon-saltwater seasons and daily limits. (95-128)

WSR 95-19-053

EMERGENCY RULES

DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

(Community Development)

[Filed September 15, 1995, 9:17 a.m.]

Date of Adoption: September 15, 1995.

Purpose: To adopt procedural rules for application for and distribution of grants to cities and counties from the growth management planning and environmental review fund.

Statutory Authority for Adoption: RCW 36.70A.500 and 43.21C.240.

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 Growth Management Act in RCW 36.70A.010 states "that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state."

The Department of Community, Trade and Economic Development is required by RCW 36.70A.500 to provide management services for the growth management planning and environmental review fund. This fund was created to assist local governments in integrating growth management planning and environmental review. Under RCW .70A.500

[36.70A.500] the department must adopt rules for management of the fund.

Immediate adoption of such rules is necessary to carry out the legislative intent behind creation of the fund. Under ESHB 1724, local governments must adopt a permit processing scheme which integrates GMA and SEPA requirements. The deadline to adopt this permit processing system is March 31, 1996. Local governments have identified funding for the integrated permit process as a priority.

Observing the time requirements for adopting a permanent rule would be contrary to the public interest. In order to be useful to local governments, money for integrated permitting must be distributed immediately. The deadline for adoption of integrated permitting systems is near and the local legislative process is often extensive and lengthy. Rules for this purpose could not have been developed earlier because it was only after meeting with local governments that the department determined that funding for integrated permit processing was a priority. These meetings extended into late August.

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 6, 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.

September 15, 1995
Thomas G. Campbell
for Mike Fitzgerald
Director

Chapter 365-185 WAC PROCEDURES FOR MANAGEMENT OF GROWTH MANAGEMENT PLANNING AND ENVIRONMENTAL REVIEW FUND

NEW SECTION

WAC 365-185-010 Purpose and authority. (1) The purpose of this chapter is to outline the conditions and procedures by which the department of community, trade and economic development will make available grants from the growth management planning and environmental review fund to local governments required to plan or have chosen to plan under RCW 36.70A.040 to assist them in complying with RCW 43.21C.240, 36.70B.050, 36.70B.060, and 36.70B.090. The department will make up to \$150,000 available to local governments for projects that specifically demonstrate integrated permit processes.

(2) This activity is undertaken pursuant to RCW 36.70A.500 and 43.21C.240.

NEW SECTION

WAC 365-185-020 Definitions. (1) "Applicant" means a local government that has submitted an application for a grant from the growth planning and environmental review fund.

(2) "Contractor" means an applicant which has executed a contract for receipt of growth management planning and environmental review funds with the department.

(3) "Department" means the department of community, trade and economic development.

(4) "Growth management planning and environmental review fund" means the growth management planning and environmental review fund established pursuant to RCW 36.70A.490.

(5) "Integrated permit process" means a system for integrating environmental review with review of project permits, consistent with RCW 36.70B.050 and RCW 36.70B.060.

(6) "Integrated plan" means a detailed environmental impact statement that is integrated with a comprehensive plan or subarea plan and development regulations.

(7) "Local government" means a city or county that is required or has chosen to plan under RCW 36.70A.040 and 43.21C.240.

NEW SECTION

WAC 365-185-030 Eligibility criteria. (1) A grant may be awarded to a local government that is qualified pursuant to this section.

(2) A grant may be awarded to a county or city that is required to or has chosen to plan under RCW 36.70A.040 and that is qualified pursuant to this section. The grant shall be provided to assist a county or city in paying for the cost of preparing a detailed environmental impact statement that is integrated with a comprehensive plan or subarea plan and development regulations.

(3) In order to qualify for a grant, a county or city shall:

(a) Demonstrate that it will prepare an environmental analysis pursuant to chapter 43.21C RCW that is integrated with a comprehensive plan or subarea plan and development regulations;

(b) Address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by subsequent applicants for development permits within the geographic area analyzed in the plan;

(c) Include mechanisms in the plan to monitor the consequences of growth as it occurs in the plan area and provide ongoing data to update the plan and environmental analysis;

(d) Be making substantial progress towards compliance with the requirements of this chapter. A county or city that is more than six months out of compliance with a requirement of this chapter is deemed to not be making substantial progress towards compliance; and

(e) Provide local funding, which may include financial participation by the private sector.

(4) In awarding grants, the department shall give preference to proposals that include one or more of the following elements:

(a) Financial participation by the private sector, or a public/private partnering approach;

(b) Comprehensive and subarea plan proposals that are designed to identify and monitor system capacities for elements of the built environment, and to the extent appropriate, of the natural environment;

(c) Programs to improve the efficiency and effectiveness of the permitting process by greater reliance on integrated plans;

(d) Programs for effective citizen and neighborhood involvement that contribute to greater certainty that planning decisions will be implemented; and

(e) Plans that identify environmental impacts and establish mitigation measures that provide effective means to satisfy concurrency requirements and establish project consistency with the plans.

NEW SECTION

WAC 365-185-040 Grant application process. (1) Applications for growth management planning and environmental review funds shall be filed with the department.

(2) The department will specify the form and manner of application and will set the date and time for receipt of applications.

(3) Applications shall be filed in the form, manner and time specified by the department. Failure of an applicant to make application in the specified form, manner and time will cause the applicant to be ineligible for grant funds.

(4) Applications for grant funds shall contain a detailed strategy, budget, and timeline for meeting the department's application requirements.

(5) The department will review each application for eligibility under the criteria specified in WAC 365-200-030.

(6) In awarding grants, the department may consider:

(a) An applicant's ability and intent to develop an integrated planning process that will have applicability to jurisdictions with similar characteristics;

(b) A geographic balance of communities;

(c) A balance of urban and rural communities;

(d) A variety of permit processes;

(e) Diversity in population; or

(f) Other criteria that the department considers advisable.

(7) Applicants will be notified in writing of the department's decisions on grants.

(8) The department may offer a contract to an applicant with such reasonable terms and conditions as the department may determine.

NEW SECTION

WAC 365-185-050 Grant evaluation procedure. The department should appoint a committee to assist it in evaluating the applications. The committee may include:

(1) Department staff;

(2) Department of ecology staff;

(3) Representatives of cities and counties; or

(4) A representative of private business.

NEW SECTION

WAC 365-185-060 Method of payment. (1) Grant allocations from the fund will be paid subject to the provisions of the applicable contract.

(2) All grant funds will be disbursed by June 30, 1997.

**WSR 95-19-063
EMERGENCY RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES**

[Filed September 15, 1995, 1:55 p.m.]

Date of Adoption: September 15, 1995.

Purpose: Changing tuition and fees related to apprenticeship courses through the state's community and technical college system.

Citation of Existing Rules Affected by this Order: Amending WAC 131-28-026.

Statutory Authority for Adoption: Chapters 28B.15 and 28B.50 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: This has been a negotiated process and the state board members and staff would like the rules to go into effect immediately so that the colleges can implement the new fee structure for apprenticeship courses effective fall quarter 1995.

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 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: Immediately.

September 15, 1995
Claire C. Krueger
Executive Assistant
Administrative Rules
Coordinator

AMENDATORY SECTION (Amending WSR 95-13-070, filed 6/20/95)

WAC 131-28-026 Tuition charges for certain ungraded courses. (1) The state board shall designate ungraded courses. These courses may be offered at tuition

rates that differ from the standard rates set by WAC 131-28-025.

(2) Ungraded courses shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate or higher degree.

(b) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(c) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge other than that intended to lead to initial employment.

(d) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(e) The course is not offered primarily as an integral part of any lower-division curriculum or program.

(f) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) Colleges may establish the amount of waiver for the following ungraded courses:

(a) Farm management and small business management;

(b) Emergency medical technician and paramedic continuing education;

(c) Retirement;

(d) Industrial first aid offered to satisfy WISHA and approved by the department of labor and industries.

(e) Journeyperson training in cooperation with joint apprenticeship and training committees.

(4) The waiver amounts for the following ungraded courses shall conform with the following schedule:

(a) Adult Basic Education, English as a Second Language, GED preparation: no charge.

(b) Parent education involving a cooperative preschool program: Eighty-five percent reduction from the standard per credit tuition and services activities fee charge. Parent education students taking eleven to eighteen credits shall not be charged for those credits.

(c) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices indentured with the Washington state apprenticeship council or federal Bureau of Apprenticeship and Training; ~~((Fifty))~~ Sixty percent reduction from the standard per credit tuition and services and activities fee charge. The college may convert the credit hour charge to a rounded amount per clock hour: *Provided*, That until June 1, 1997, the waiver shall be ~~((sixty))~~ two-thirds percent.

(5) Students taking both regular and ungraded courses will be charged separately for the courses.

(6) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.

(7) Ungraded course fees received pursuant to this section shall be accounted for and deposited in local community college operating fee accounts established in RCW 28B.15.031.

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(8) Ungraded course fees may be paid by the sponsoring entity rather than an individual student.

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 95-19-066
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 95-136—Filed September 15, 1995, 4:30 p.m., effective September 17, 1995, 12:01 a.m.]

Date of Adoption: September 15, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-602.

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: Openings in Area 7B provide opportunity to harvest the nontreaty allocation of coho salmon destined for the Nooksack-Samish region of origin per preseason schedule. Gillnet mesh restriction and purse seine release requirement, and inseason area restriction are necessary to reduce nontreaty impacts relative to regional chinook run size estimate 37% below preseason forecast. Openings in Area 9A provide opportunity to harvest the nontreaty share of Hood Canal hatchery-origin coho salmon according to the preseason schedule. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

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: September 17, 1995, 12:01 a.m.

September 15, 1995

Edward P. Manary
for Robert Turner
Director

NEW SECTION

WAC 220-47-603 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday September 17, 1995 until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * **Area 7B** - Gill nets using 5-inch minimum, 6-inch maximum mesh and purse seines using the 5-inch strip may fish until 11:59 p.m. Saturday October 28. Purse seines are required to release all chinook salmon. In addition to the exclusion zones listed in WAC 220-47-307, area 7B is closed south of a line projected from Governors Point to the most northerly Point on Vendovi Island.
- * **Area 9A** - Gill nets using 5-inch minimum mesh may fish:
 - 6:00 a.m. Monday September 18 through 4:00 p.m. Friday September 22
 - 6:00 a.m. Monday September 25 through 4:00 p.m. Friday September 29
 - 6:00 a.m. Monday October 2 through 4:00 p.m. Friday October 6
 - 6:00 a.m. Monday October 9 through 4:00 p.m. Friday October 13
 - 6:00 a.m. Monday October 16 through 4:00 p.m. Friday October 20
 - 6:00 a.m. Monday October 23 through 4:00 p.m. Friday October 27
 - 6:00 a.m. Monday October 30 through 4:00 p.m. Friday November 3.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7C, 7D, 7E, 8, 8A, 8D, 9, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-602 Puget Sound all-citizen commercial salmon fishery. (95-129)

WSR 95-19-067
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 95-137—Filed September 15, 1995, 4:31 p.m.]

Date of Adoption: September 15, 1995.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-19100N and 220-57-35000A; and amending WAC 220-56-191 and 220-57-350.

Statutory Authority: RCW 75.08.080.

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

Reasons for this Finding: United States/Canada treaty negotiations have provided a larger than expected coho escapement and additional fish are available for harvest.

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 2, amended 2, repealed 2.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

September 15, 1995
Edward P. Manary
for Robert Turner
Director

NEW SECTION

WAC 220-56-19100N Puget Sound salmon—Saltwater seasons and daily limits. Notwithstanding the provisions of WAC 220-56-191, effective immediately through December 31, 1995, the daily limit in Bellingham Bay is 4 salmon of which no more than 2 may be chinook salmon.

NEW SECTION

WAC 220-57-35000A Nooksack River. Notwithstanding the provisions of WAC 220-57-350, effective immediately through December 31, 1995, downstream from the confluence of the North and South forks to Lummi Indian Reservation boundary special daily limit of 6 salmon no more than 2 of which may be any combination of adult chinook, pink, or chum salmon, but up to all 6 may be coho of any size. Adult chinook are defined as being greater than 24 inches in length, and adult pink and chum salmon are defined as being greater than 12 inches in length.

REPEALER

The following sections of the Washington Administrative Code are repealed effective January 1, 1996:

WAC 220-56-19100N

Puget Sound salmon—
Saltwater seasons and bag
limits. (95-137)

WAC 220-57-35000A

Nooksack River. (95-137)

**WSR 95-19-068
EMERGENCY RULES
OFFICE OF THE
SECRETARY OF STATE**

[Filed September 18, 1995, 11:50 a.m.]

Date of Adoption: September 18, 1995.

Purpose: Provide an alternate procedure for handling mail ballots which are returned by the voter without a signature on the affidavit.

Citation of Existing Rules Affected by this Order: Amending WAC 434-36-120, 434-36-130, and 434-36-140.

Statutory Authority for Adoption: RCW 29.36.150.

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: An alternate method for processing mail ballots with unsigned affidavits will eliminate undue burdens on voters who do not reside near the county seat or who could not travel to the county auditor's office during normal business hours.

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 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: Immediately.

September 18, 1995
Donald F. Whiting
Assistant Secretary of State

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-120 Unsigned affidavit. If the voter neglects to sign the affidavit on the return envelope, the auditor shall notify the voter, either by telephone or by first class mail, of that fact. ~~((He or she))~~ The auditor may:

(1) Require the voter to appear in person and sign the return envelope not later than 8:00 p.m. on the day of the election; or

(2) Provide the voter with a copy of the oath and all of the information about the voter on the return envelope and require the voter to sign the oath on the facsimile copy of the return envelope and mail it back to the auditor so that it arrives not later than 8:00 p.m. on the day of the election.

The auditor shall advise the voter about the correct procedures for completing the unsigned affidavit and that, in order for the ballot to be counted, the voter must either:

(a) Sign the facsimile copy of the return envelope, if one is provided by the auditor, and mail it back to the auditor so that it arrives not later than 8:00 p.m. on the day of the election; or

(b) Appear in person at the auditor's office not later than 8:00 p.m. on election day and complete the affidavit on the return envelope. A record shall be kept on the return envelope of the date on which the voter was contacted or on which the notice was mailed to the voter. ((Any notice by mail shall be in substantially the following form:

Dear Voter:

Your ballot for the forthcoming mail ballot special election to be held on has been received by this office. Unfortunately, you neglected to sign the affidavit on the reverse side of the return envelope, as required by state law.

Please appear in person at the location listed on this card and sign this affidavit no later than 8:00 p.m. on Your ballot cannot be counted unless the return envelope is signed.

ADDRESS:))

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-130 Signature verification—Personnel. A mail ballot shall be counted only if:

- (1) It is returned in the return envelope;
- (2) The envelope or the facsimile copy of the envelope provided under WAC 434-36-120 is signed by the registered voter to whom it was issued;
- (3) The signature has been verified by the county auditor; and
- (4) It is postmarked not later than the day of the election or deposited not later than 8:00 p.m. on election day.

The auditor must compare the signature on the return envelope or the facsimile copy of the envelope provided under WAC 434-36-120 with the voter's signature as it appears on the voter registration card, and shall hire as many persons as he or she deems necessary to assist in this process. All personnel assigned to the duty of signature verification shall subscribe to an oath regarding the discharge of his or her duties, administered by the county auditor. The auditor shall instruct his or her employees in the signature verification process prior to actually canvassing any signatures and may request that local law enforcement officials instruct those employees in techniques used to identify forgeries.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-140 Verification of signatures—Process. If the auditor determines that the signature on the return envelope or the facsimile copy of the envelope provided under WAC 434-36-120 matches that on the voter registration card, he or she shall indicate on the envelope that a signature comparison has been made. No indication of a voter having cast a ballot shall be made on the voter registration file until a signature comparison has been made. In the event the auditor determines that the signatures do not match, or that the voter has voted more than once, he or she shall refer all such ballots and any other related materials to the county canvassing board. No ballot so referred shall be counted unless subsequent investigation reveals it to be a valid ballot and the canvassing board directs the auditor to accept it. The signature verification process shall be open to the public, subject to reasonable procedures promulgated by the county auditor to insure that order is maintained and to safeguard the integrity of the process.

**WSR 95-19-076
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3898—Filed September 18, 1995, 3:51 p.m.]

Date of Adoption: September 18, 1995.

Purpose: New sections WAC 388-73-351, 388-73-353, 388-73-355, 388-73-357, 388-73-361, 388-73-363, 388-73-365, 388-73-367, 388-73-369, 388-73-371, 388-73-373, 388-73-375, 388-73-377, 388-73-379, 388-73-381, 388-73-383, 388-73-385, 388-73-387, 388-73-389, 388-73-391, 388-73-393, and 388-73-395. Provide licensing standards for a new type of program which has emerged caring for a small number of children on a residential basis. These do not meet the definition of a foster home, but group home standards are excessive.

Citation of Existing Rules Affected by this Order: Amending WAC 388-73-014, 388-73-058, 388-73-074, 388-73-076, and 388-73-146.

Statutory Authority for Adoption: Chapter 74.15 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: There is a shortage of placement resources for medically fragile young children in the communities. This was exacerbated by the closing of a state institution. A number of the facilities to be licensed under the proposed regulations will provide care for medically fragile children.

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.

EMERGENCY

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 9, amended 5, 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 9, 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: Immediately.

September 18, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

Reviser's note: The material contained in this filing will appear in the 95-20 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 95-19-092
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 95-138—Filed September 20, 1995, 10:03 a.m.]

Date of Adoption: September 18, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-36-02300P; and amending WAC 220-36-023.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Harvestable numbers of chinook salmon returning to the Humptulips River are available in Grays Harbor.

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 1, 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.

September 18, 1995
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-36-02300P Grays Harbor salmon—Fall fishery. Notwithstanding the provisions of WAC 220-36-023, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

FISHING PERIOD

(1) Gill net gear may be used to fish for salmon in Salmon Management and Catch Reporting Area 2C from:

- 6:00 a.m. to 6:00 p.m. September 20, 1995,
- 6:00 a.m. to 6:00 p.m. September 22, 1995,
- 6:00 a.m. to 6:00 p.m. September 24, 1995,
- 6:00 a.m. to 6:00 p.m. September 26, 1995,
- 6:00 a.m. to 6:00 p.m. September 28, 1995,
- 6:00 a.m. to 6:00 p.m. September 30, 1995.

GEAR

(2) Gill net gear shall be used as provided in WAC 220-36-015, except that it shall not contain mesh larger than 9-inch stretch measure.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 30, 1995:

WAC 220-36-02300P Grays Harbor salmon—Fall fishery. (95-138)

EMERGENCY



WSR 95-19-026
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
 [Memorandum—September 11, 1995]

The regular meeting of the Bellingham Technical College board of trustees scheduled for September 21, 1995, has been canceled.

WSR 95-19-027
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—September 11, 1995]

Board of Trustees Meeting
 September 12, 1995
 Sno-King Building
 Room 103
 (4:30 - 6:00)

At 4 p.m. there will be a contract signing ceremony for the recently negotiated faculty agreement in SKB 103.

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and braille or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 95-19-033
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE
 [Memorandum—September 11, 1995]

At their September 7, 1995, meeting, the board of trustees of Community College District 24 changed their regular November 2, 1995, meeting to November 1, 1995, to be held in the boardroom of Building 25 on our campus.

WSR 95-19-039
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
 [Memorandum—September 13, 1995]

Regular Meeting
 September 25-26, 1995
 Natural Resources Building - Room 172
 1111 Washington Street
 Olympia, Washington

Note: Opening sessions will commence as shown; all other times are approximate. If you need special accommodations to participate in this meeting, please notify us by September 11, 1995, at (360) 902-3000 or TDD (360) 902-1996.

Monday, September 25, 10:00 a.m. - 5:30 p.m.
 Tuesday, September 26, 8:30 a.m. - noon.

Next Meeting: November 27-28, 1995, NRB Room 172, Olympia, Washington.

WSR 95-19-040
NOTICE OF PUBLIC MEETINGS
COUNCIL ON
VOCATIONAL-TECHNICAL EDUCATION
 [Memorandum—September 13, 1995]

Thursday - September 21, 1995
 Board Room - WestCoast Gateway Hotel
 SeaTac, Washington
 3:30 p.m. - 5:30 p.m.

7:00 p.m., contributor of the year awards reception, Building B - Room 102, Duwamish Industrial Education Center, 6700 East Marginal, Seattle, WA.

Friday - September 22, 1995
 Conference Center - Sea-Tac Occupational Skills Center
 18010 8th Avenue South
 Seattle, WA
 8:30 a.m. - 2:45 p.m.

The meeting site is barrier free. People needing special accommodations should contact the council office at (360) 753-3715.

WSR 95-19-064
NOTICE OF PUBLIC MEETINGS
PUBLIC DISCLOSURE COMMISSION
 [Memorandum—September 14, 1995]

The Public Disclosure Commission has cancelled its regular meeting scheduled for Tuesday, September 26, 1995. The next meeting is scheduled for 9 a.m., October 24, 1995, in Hearing Room #2 in the John Cherberg Building, Capitol Campus, Olympia, Washington.

WSR 95-19-065
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
 [Memorandum—September 14, 1995]

The December meeting of the Washington State Human Rights Commission has been changed from a conference call to a public hearing and regular commission meeting. The meeting will be held in Room 1100 of the Broadway Edison Building at Seattle Central Community College.

The public hearing on proposed revisions to chapter 162-12 WAC, Preemployment inquiry guide, chapter 162-22 WAC, Employment-handicapped persons, and chapter 162-30 WAC, Sex discrimination, will take place on December 14 from 5:30-7:30 p.m. The regular commission meeting will take place beginning at 10:00 a.m. on December 15.

WSR 95-19-073
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Memorandum—September 18, 1995]

BOARD OF TRUSTEES
 September 22, 1995, 9:00 a.m.
 Cheney Campus

Pence Union Building
Room 265

Breakfast, which is open to the public, will be served to board members prior to the meeting at 8:00 a.m. in the PUB 261.

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 President's Office, 359-2371.

WSR 95-19-074
NOTICE OF PUBLIC MEETINGS
GOVERNOR'S TELECOMMUNICATIONS
POLICY COORDINATION TASK FORCE

[Memorandum—September 18, 1995]

PUBLIC NOTICE

Pole Attachment and Cellular Siting Issues

Representative Larry Crouse, a member of the Governor's Telecommunications Policy Coordination Task Force, will chair two public roundtable discussions on pole attachment and cellular siting issues.

Discussions will address such issues as health, safety and aesthetics, and the pros and cons of resolving cellular siting issues at the state or local level.

Information from the discussions will be used in formulating recommendations to the task force. The task force may incorporate them into an overall state telecommunications policy to be proposed to the governor and legislature later this year.

Meeting Dates: September 26 and October 10
1:00 p.m. - 5:00 p.m.
John A. Cherberg Building
Senate Hearing Room 4
Olympia - Capitol Campus

If you have any questions, please call Margaret Allen, Office of Program Research at (360) 786-7110.

WSR 95-19-085
HEALTH CARE POLICY BOARD

[Filed September 19, 1995, 4:55 p.m.]

Washington Health Care Policy Board

NOTICE OF WITHDRAWAL OF PETITION

TO APPROVE CERTAIN CONDUCT IN THE MATTER OF SPOKANE PHYSICIAN HOSPITAL COMMUNITY ORGANIZATION

Spokane Physician Hospital Community Organization has withdrawn their Petition to the Washington Health Care Policy Board to approve certain conduct which could have lessened competition in the relevant market, pursuant to the provision of RCW 43.72.310 and WAC 245-020130 [245-02-130] *et seq.* No further action will be taken in this matter.

WSR 95-19-086

HEALTH CARE POLICY BOARD

[Filed September 19, 1995, 4:58 p.m.]

In the Matter of:)
)
WESTSOUND COMMUNITY HEALTH) NOTICE OF HEARING
NETWORK)
)

TO: Robert J. Waleries, Law Offices of Reed McClure,
701 Fifth Avenue, #3600, Seattle, Washington
98104-7081

Westsound Community Health Network has filed a petition to approve certain conduct pursuant to the provision of RCW 43.72.310. The Health Care Policy Board appoints Tom Hilyard, pursuant to provision of WAC 245-02-165, to serve as the Presiding Officer in this matter. The hearing is scheduled for November 8, 1995, at 9 a.m. at the Health Care Policy Board office (605 Woodland Square Loop, Lacey, Washington) in the First Floor Conference Room.

By close of business October 17, 1995, Petitioner shall serve two copies of a Brief on the Presiding Officer that addresses, with specificity, the factors set forth in RCW 43.72.310(4). Respondent's Brief shall be served on the Petitioner and the Presiding Officer by close of business October 31, 1995.

To the extent Petitioner wishes to submit proposed findings of fact and/or conclusions of law, they must be submitted to the Presiding Officer by close of business November 9, 1995.

DATED this 18th day of September, 1995.

BERNIE DOCHNAHL, Chair
Washington Health Care Policy Board

**NOTICE OF PETITION TO APPROVE CERTAIN CONDUCT-
IN THE MATTER OF WESTSOUND COMMUNITY HEALTH
NETWORK**

Westsound Community Health Network has petitioned the Washington Health Care Policy Board to approve certain conduct which could lessen competition in the relevant market pursuant to the provision of RCW 43.72.310 and WAC 245-02-130 *et seq.* Consistent with the provision of WAC 245-02-131, the Health Care Policy Board is soliciting comments from the public on the petition.

The conduct that is the subject of the Petition can be generally described as follows:

Westsound Community Health Network is a Washington nonprofit corporation formed by Kitsap Physicians Service and Harrison Memorial Hospital to establish a managed health care network on the Kitsap and Olympic peninsulas. Kitsap Physicians Service and Harrison Memorial Hospital are the sole members of Westsound Community Health Network and are both Washington nonprofit corporations.

Westsound Community Health Network will provide services in Kitsap County, North Mason County and East Jefferson County through physician clinics and offices located in those areas. Geographic coverage may vary by type of service provided. Hospital and physician specialty services will be available throughout the geographic area, but primary care services will be limited to cities and towns where participating primary care physicians currently

MISCELLANEOUS

practice. Westsound Community Health Network intends to recruit primary care physicians to provide services for areas currently not served by the network.

Initially, Westsound Community Health Network anticipates that Harrison Memorial Hospital and approximately 200 physicians and other providers will participate in the network. Westsound Community Health Network is organized as a nonexclusive physician-hospital organization. Under the terms of Westsound Community Health Network's provider agreements, participating providers will be required to participate in network programs and activities deigned to improve the quality and cost-effectiveness of health care in the service area. However, participating providers will be free to contract with other networks and hospitals. Participating providers will not be required to be members of Kitsap Physicians Service or the hospital medical staff.

Westsound Community Health Network will share risk with purchasers of health care services through contracts that include capitated payments and risk pools. The risk sharing arrangements will be negotiated with individual purchasers. Westsound Community Health Network participating providers will also share risk through risk pools that will be divided according to the network's success in meeting various quality, utilization, and cost containment goals.

Written comments may be filed with Tom Hilyard, Presiding Officer, Washington State Health Care Policy Board, P.O. Box 41185, Olympia, Washington 98504-1185, and must be received by close of business on November 3, 1995.

WSR 95-19-093
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—September 19, 1995]

A special meeting of the board of directors of the Washington State Convention and Trade Center will be held on Wednesday, September 27 at 1:30 p.m. in the Level 5 Board Room of the Convention Center, 800 Convention Place, Seattle, WA.

Contracts with firms recommended to work on the expansion project will be discussed and acted upon.

If you have any questions regarding this meeting, please call 447-5000.

WSR 95-19-094
NOTICE OF PUBLIC MEETINGS
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES

[Memorandum—September 19, 1995]

The state board adopted its 1996 meeting dates and locations schedule at their September meeting as follows:

January 10-11, 1996	State Board Office, Olympia
February 1996	No meeting
March 13-14, 1996	Highline Community College, Des Moines
April 10-11, 1996	Skagit Valley College in Mt. Vernon
May 22-23, 1996	Wenatchee Valley College
June 19-20, 1996	Bellingham Technical College

- August 11-13, 1996
- September 11-12, 1996
- October 30-31, 1996
- November 1996
- December 4-5, 1996

- State board retreat
- Battelle Conference Center, Seattle
- Walla Walla Community College
- North Seattle Community College
- No meeting
- Olympic College in Bremerton

WSR 95-19-095
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—September 14, 1995]

SPECIAL MEETINGS NOTICE

On September 20-23, 1995, the Association of Community College Trustees Annual Convention will be held at the Washington State Convention and Trade Center, Seattle, Washington. Because the Edmonds Community College board of trustees will be attending this convention, the convention is being scheduled as a special meeting, a "study session" for the board, at which no action will be taken.

The Edmonds Community College board of trustees met in regular session September 12 and decided to cancel the regular meeting date of October 19, rescheduling the meeting to October 12. The October 12 meeting is scheduled as a special meeting and will be held at 4:30 p.m. in the Sno-King Building, Room 103. The full agenda for the October 12 special meeting will be distributed more than twenty-four hours prior to the meeting.

WSR 95-19-101
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
 (Title and Registration Advisory Committee)
 [Memorandum—September 20, 1995]

Please publish a public meeting notice for the Title and Registration Advisory Committee (TRAC) in the next publication of the state register.

- Date: October 26, 1995
- Time: 1:30 p.m. to 3:30 p.m.
- Place: GFP Board Room, SeaTac Airport
 17801 Pacific Highway South
 Main Terminal Building 5110
 SeaTac, WA

WSR 95-19-103
NOTICE OF PUBLIC MEETINGS
LOTTERY COMMISSION
 [Memorandum—September 20, 1995]

1996 COMMISSION MEETING SCHEDULE

<u>Type</u>	<u>Date</u>	<u>Location</u>
Regular	January 5	Seattle
Regular	March 1	Olympia
Regular	May 3	Seattle
Regular	July 12	Seattle
Regular	September 6	Vancouver
Regular	November 1	Seattle

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Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

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16-495-205	NEW-P	95-11-118	16-674-080	AMD-P	95-09-090	30-12-140	REP-P	95-12-098
16-495-205	NEW	95-14-034	16-674-080	AMD-W	95-11-070	30-12-140	REP	95-15-040
16-495-210	NEW-P	95-11-118	16-674-080	AMD-W	95-11-070	30-12-160	AMD-P	95-12-098
16-495-210	NEW	95-14-034	16-675-010	AMD-P	95-17-093	30-12-160	AMD	95-15-040
16-495-215	NEW-P	95-11-118	16-675-029	REP-P	95-09-089	30-14-010	NEW-P	95-12-098
16-495-215	NEW	95-14-034	16-675-029	REP-W	95-11-071	30-14-010	NEW	95-15-040
16-495-220	NEW-P	95-11-118	16-675-029	REP-P	95-17-093	30-14-020	NEW-P	95-12-098
16-495-220	NEW	95-14-034	16-675-030	AMD-P	95-09-089	30-14-020	NEW	95-15-040
16-495-225	NEW-P	95-11-118	16-675-030	AMD-W	95-11-071	30-14-030	NEW-P	95-12-098
16-495-225	NEW	95-14-034	16-675-030	AMD-P	95-17-093	30-14-030	NEW	95-15-040
16-495-230	NEW-P	95-11-118	16-675-039	REP-P	95-09-089	30-14-040	NEW-P	95-12-098
16-495-230	NEW	95-14-034	16-675-039	REP-W	95-11-071	30-14-040	NEW	95-15-040
16-495-235	NEW-P	95-11-118	16-675-039	REP-P	95-17-093	30-14-050	NEW-P	95-12-098
16-495-235	NEW	95-14-034	16-675-040	AMD-P	95-09-089	30-14-050	NEW	95-15-040
16-495-240	NEW-P	95-11-118	16-675-040	AMD-W	95-11-071	30-14-060	NEW-P	95-12-098
16-495-240	NEW	95-14-034	16-675-040	AMD-P	95-17-093	30-14-060	NEW	95-15-040
16-495-245	NEW-P	95-11-118	16-700-011	NEW-P	95-12-091	30-14-070	NEW-P	95-12-098
16-495-245	NEW	95-14-034	16-700-011	NEW	95-15-101	30-14-070	NEW	95-15-040
16-495-250	NEW-P	95-11-118	16-750	PREP	95-13-089	30-14-080	NEW-P	95-12-098
16-495-250	NEW	95-14-034	16-750-005	AMD-E	95-16-112	30-14-080	NEW	95-15-040
16-495-255	NEW-P	95-11-118	16-750-011	AMD	95-06-002	30-14-090	NEW-P	95-12-098
16-495-255	NEW	95-14-034	16-750-015	AMD	95-06-002	30-14-090	NEW	95-15-040
16-497-005	AMD-P	95-15-098	30	PREP	95-11-095	30-14-100	NEW-P	95-12-098
16-497-005	AMD	95-18-033	30-01-010	AMD-P	95-12-098	30-14-100	NEW	95-15-040
16-497-030	AMD-P	95-15-098	30-01-010	AMD	95-15-040	30-14-110	NEW-P	95-12-098
16-497-030	AMD	95-18-033	30-01-020	AMD-P	95-12-098	30-14-110	NEW	95-15-040
16-529-150	PREP	95-17-114	30-01-020	AMD	95-15-040	30-16-010	REP-P	95-12-098
16-532-035	PREP	95-09-079	30-01-030	REP-P	95-12-098	30-16-010	REP	95-15-040
16-532-035	AMD-P	95-10-095	30-01-030	REP	95-15-040	30-16-020	REP-P	95-12-098
16-532-035	AMD	95-17-118	30-01-040	AMD-P	95-12-098	30-16-020	REP	95-15-040
16-532-040	PREP	95-09-079	30-01-040	AMD	95-15-040	30-16-030	REP-P	95-12-098
16-532-040	AMD-P	95-10-095	30-01-050	AMD-P	95-12-098	30-16-030	REP	95-15-040
16-532-040	AMD	95-17-118	30-01-050	AMD	95-15-040	30-16-040	REP-P	95-12-098
16-532-101	PREP	95-09-079	30-01-060	AMD-P	95-12-098	30-16-040	REP	95-15-040
16-532-120	PREP	95-09-079	30-01-060	AMD	95-15-040	30-16-040	REP-P	95-12-098
16-532-120	AMD-P	95-10-095	30-02-010	NEW-P	95-12-098	30-16-050	REP	95-15-040
16-532-120	AMD	95-17-118	30-02-010	NEW	95-15-040	30-16-050	REP-P	95-12-098
16-536-020	PREP	95-08-005	30-04-040	AMD-P	95-12-098	30-16-060	REP-P	95-12-098
16-536-020	AMD-P	95-12-089	30-04-040	AMD	95-15-040	30-16-060	REP	95-15-040
16-536-020	AMD	95-17-117	30-04-050	AMD-P	95-12-098	30-16-070	REP-P	95-12-098
16-540-040	PREP	95-17-113	30-04-050	AMD	95-15-040	30-16-070	REP	95-15-040
16-557-010	PREP	95-08-003	30-04-060	AMD-P	95-12-098	30-16-080	REP-P	95-12-098
16-557-020	AMD-P	95-12-090	30-04-060	AMD	95-15-040	30-16-080	REP	95-15-040
16-557-020	AMD	95-17-116	30-04-090	AMD-P	95-12-098	30-16-090	REP-P	95-12-098
16-560-060001	AMD-P	95-19-102	30-04-090	AMD	95-15-040	30-16-090	REP	95-15-040
16-580	PREP	95-08-004	30-04-100	REP-P	95-12-098	30-16-100	REP-P	95-12-098
16-580	AMD-C	95-17-115	30-04-100	REP	95-15-040	30-16-100	REP	95-15-040
16-580-020	AMD-P	95-10-096	30-04-110	REP-P	95-12-098	30-16-110	REP-P	95-12-098
16-580-070	AMD-P	95-10-096	30-04-110	REP	95-15-040	30-16-110	REP	95-15-040
16-585-010	NEW-P	95-05-071	30-08-030	AMD-P	95-12-098	30-16-120	REP-P	95-12-098
16-585-010	NEW	95-15-102	30-08-030	AMD	95-15-040	30-16-120	REP	95-15-040
16-585-020	NEW-P	95-05-071	30-08-040	AMD-P	95-12-098	30-18-010	NEW-P	95-12-098
16-585-020	NEW	95-15-102	30-08-040	AMD	95-15-040	30-18-010	NEW	95-15-040
16-585-030	NEW-P	95-05-071	30-12-010	AMD-P	95-12-098	30-18-020	NEW-P	95-12-098
16-585-030	NEW	95-15-102	30-12-010	AMD	95-15-040	30-18-020	NEW	95-15-040
16-585-040	NEW-P	95-05-071	30-12-020	REP-P	95-12-098	30-18-030	NEW-P	95-12-098
16-585-040	NEW	95-15-102	30-12-020	REP	95-15-040	30-18-030	NEW	95-15-040
16-585-050	NEW-P	95-05-071	30-12-030	AMD-P	95-12-098	30-18-040	NEW-P	95-12-098
			30-12-030	AMD	95-15-040	30-18-040	NEW	95-15-040
						30-18-050	NEW-P	95-12-098

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
30-18-050	NEW	95-15-040	30-24-100	REP-P	95-12-098	30-40-060	AMD	95-15-040
30-18-060	NEW-P	95-12-098	30-24-100	REP	95-15-040	30-40-070	AMD-P	95-12-098
30-18-060	NEW	95-15-040	30-26-010	NEW-P	95-12-098	30-40-070	AMD	95-15-040
30-18-070	NEW-P	95-12-098	30-26-010	NEW	95-15-040	30-40-080	AMD-P	95-12-098
30-18-070	NEW	95-15-040	30-26-020	NEW-P	95-12-098	30-40-080	AMD	95-15-040
30-18-080	NEW-P	95-12-098	30-26-020	NEW	95-15-040	30-40-090	AMD-P	95-12-098
30-18-080	NEW	95-15-040	30-26-030	NEW-P	95-12-098	30-40-090	AMD	95-15-040
30-18-090	NEW-P	95-12-098	30-26-030	NEW	95-15-040	30-44	AMD-P	95-12-098
30-18-090	NEW	95-15-040	30-26-040	NEW-P	95-12-098	30-44	AMD	95-15-040
30-18-100	NEW-P	95-12-098	30-26-040	NEW	95-15-040	30-44-010	AMD-P	95-12-098
30-18-100	NEW	95-15-040	30-26-050	NEW-P	95-12-098	30-44-010	AMD	95-15-040
30-18-110	NEW-P	95-12-098	30-26-050	NEW	95-15-040	30-44-020	AMD-P	95-12-098
30-18-110	NEW	95-15-040	30-26-060	NEW-P	95-12-098	30-44-020	AMD	95-15-040
30-20-010	REP-P	95-12-098	30-26-060	NEW	95-15-040	30-44-030	AMD-P	95-12-098
30-20-010	REP	95-15-040	30-26-070	NEW-P	95-12-098	30-44-030	AMD	95-15-040
30-20-020	REP-P	95-12-098	30-26-070	NEW	95-15-040	30-44-040	AMD-P	95-12-098
30-20-020	REP	95-15-040	30-26-080	NEW-P	95-12-098	30-44-040	AMD	95-15-040
30-20-030	REP-P	95-12-098	30-26-080	NEW	95-15-040	30-44-050	AMD-P	95-12-098
30-20-030	REP	95-15-040	30-26-090	NEW-P	95-12-098	30-44-050	AMD	95-15-040
30-20-040	REP-P	95-12-098	30-26-090	NEW	95-15-040	30-44-060	NEW-P	95-12-098
30-20-040	REP	95-15-040	30-28-010	REP-P	95-12-098	30-44-060	NEW	95-15-040
30-20-050	REP-P	95-12-098	30-28-010	REP	95-15-040	30-48-010	REP-P	95-12-098
30-20-050	REP	95-15-040	30-28-020	REP-P	95-12-098	30-48-010	REP	95-15-040
30-20-060	REP-P	95-12-098	30-28-020	REP	95-15-040	30-48-020	REP-P	95-12-098
30-20-060	REP	95-15-040	30-28-030	REP-P	95-12-098	30-48-020	REP	95-15-040
30-20-070	REP-P	95-12-098	30-28-030	REP	95-15-040	30-48-030	REP-P	95-12-098
30-20-070	REP	95-15-040	30-28-040	REP-P	95-12-098	30-48-030	REP	95-15-040
30-20-080	REP-P	95-12-098	30-28-040	REP	95-15-040	30-48-040	REP-P	95-12-098
30-20-080	REP	95-15-040	30-32-010	REP-P	95-12-098	30-48-040	REP	95-15-040
30-20-090	REP-P	95-12-098	30-32-010	REP	95-15-040	30-48-050	REP-P	95-12-098
30-20-090	REP	95-15-040	30-32-020	REP-P	95-12-098	30-48-050	REP	95-15-040
30-20-100	REP-P	95-12-098	30-32-020	REP	95-15-040	30-48-060	REP-P	95-12-098
30-20-100	REP	95-15-040	30-32-030	REP-P	95-12-098	30-48-060	REP	95-15-040
30-20-110	REP-P	95-12-098	30-32-030	REP	95-15-040	30-48-070	REP-P	95-12-098
30-20-110	REP	95-15-040	30-32-040	REP-P	95-12-098	30-48-070	REP	95-15-040
30-20-120	REP-P	95-12-098	30-32-040	REP	95-15-040	50-20	PREP	95-13-090
30-20-120	REP	95-15-040	30-32-050	REP-P	95-12-098	50-30	PREP	95-16-025
30-22-010	NEW-P	95-12-098	30-32-050	REP	95-15-040	50-30-005	NEW-E	95-18-060
30-22-010	NEW	95-15-040	30-32-060	REP-P	95-12-098	50-30-010	AMD-E	95-18-060
30-22-020	NEW-P	95-12-098	30-32-060	REP	95-15-040	50-30-015	NEW-E	95-18-060
30-22-020	NEW	95-15-040	30-32-070	REP-P	95-12-098	50-30-020	AMD-E	95-18-060
30-22-030	NEW-P	95-12-098	30-32-070	REP	95-15-040	50-30-025	NEW-E	95-18-060
30-22-030	NEW	95-15-040	30-32-080	REP-P	95-12-098	50-30-030	AMD-E	95-18-060
30-22-040	NEW-P	95-12-098	30-32-080	REP	95-15-040	50-30-035	NEW-E	95-18-060
30-22-040	NEW	95-15-040	30-36-010	REP-P	95-12-098	50-30-050	AMD-E	95-18-060
30-22-050	NEW-P	95-12-098	30-36-010	REP	95-15-040	50-30-065	NEW-E	95-18-060
30-22-050	NEW	95-15-040	30-36-020	REP-P	95-12-098	50-30-068	NEW-E	95-18-060
30-22-060	NEW-P	95-12-098	30-36-020	REP	95-15-040	50-30-070	AMD-E	95-18-060
30-22-060	NEW	95-15-040	30-36-030	REP-P	95-12-098	50-30-075	NEW-E	95-18-060
30-22-070	NEW-P	95-12-098	30-36-030	REP	95-15-040	50-30-080	AMD-E	95-18-060
30-22-070	NEW	95-15-040	30-36-040	REP-P	95-12-098	50-30-085	NEW-E	95-18-060
30-22-080	NEW-P	95-12-098	30-36-040	REP	95-15-040	50-60-010	AMD-P	95-05-084
30-22-080	NEW	95-15-040	30-36-050	REP-P	95-12-098	50-60-010	AMD	95-13-091
30-22-090	NEW-P	95-12-098	30-36-050	REP	95-15-040	50-60-020	AMD-P	95-05-084
30-22-090	NEW	95-15-040	30-36-060	REP-P	95-12-098	50-60-020	AMD	95-13-091
30-24-010	REP-P	95-12-098	30-36-060	REP	95-15-040	50-60-030	AMD-P	95-05-084
30-24-010	REP	95-15-040	30-36-070	REP-P	95-12-098	50-60-030	AMD	95-13-091
30-24-020	REP-P	95-12-098	30-36-070	REP	95-15-040	50-60-035	NEW-P	95-05-084
30-24-020	REP	95-15-040	30-36-080	REP-P	95-12-098	50-60-035	NEW	95-13-091
30-24-030	REP-P	95-12-098	30-36-080	REP	95-15-040	50-60-040	AMD-P	95-05-084
30-24-030	REP	95-15-040	30-36-090	REP-P	95-12-098	50-60-040	AMD	95-13-091
30-24-040	REP-P	95-12-098	30-36-090	REP	95-15-040	50-60-042	NEW-P	95-05-084
30-24-040	REP	95-15-040	30-36-100	REP-P	95-12-098	50-60-042	NEW	95-13-091
30-24-050	REP-P	95-12-098	30-36-100	REP	95-15-040	50-60-045	AMD-P	95-05-084
30-24-050	REP	95-15-040	30-36-110	REP-P	95-12-098	50-60-045	AMD	95-13-091
30-24-060	REP-P	95-12-098	30-36-110	REP	95-15-040	50-60-050	AMD-P	95-05-084
30-24-060	REP	95-15-040	30-40-020	AMD-P	95-12-098	50-60-050	AMD	95-13-091
30-24-070	REP-P	95-12-098	30-40-020	AMD	95-15-040	50-60-060	AMD-P	95-05-084
30-24-070	REP	95-15-040	30-40-030	REP-P	95-12-098	50-60-060	AMD	95-13-091
30-24-080	REP-P	95-12-098	30-40-030	REP	95-15-040	50-60-070	AMD-P	95-05-084
30-24-080	REP	95-15-040	30-40-050	AMD-P	95-12-098	50-60-070	AMD	95-13-091
30-24-090	REP-P	95-12-098	30-40-050	AMD	95-15-040	50-60-080	AMD-P	95-05-084
30-24-090	REP	95-15-040	30-40-060	AMD-P	95-12-098	50-60-080	AMD	95-13-091

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
50-60-08001	NEW-P	95-05-084	51-20-0300	REP	95-11-107	51-20-1230	REP-P	95-04-106
50-60-08002	NEW-P	95-05-084	51-20-0307	REP-P	95-04-106	51-20-1230	REP	95-11-107
50-60-08003	NEW-P	95-05-084	51-20-0307	REP	95-11-107	51-20-1231	REP-P	95-04-106
50-60-08004	NEW-P	95-05-084	51-20-0400	REP-P	95-04-106	51-20-1231	REP	95-11-107
50-60-08005	NEW-P	95-05-084	51-20-0400	REP	95-11-107	51-20-1232	REP-P	95-04-106
50-60-08005	NEW	95-13-091	51-20-0404	REP-P	95-04-106	51-20-1232	REP	95-11-107
50-60-08006	NEW-P	95-05-084	51-20-0404	REP	95-11-107	51-20-1233	REP-P	95-04-106
50-60-08007	NEW-P	95-05-084	51-20-0407	REP-P	95-04-106	51-20-1233	REP	95-11-107
50-60-08008	NEW-P	95-05-084	51-20-0407	REP	95-11-107	51-20-1234	REP-P	95-04-106
50-60-08010	NEW	95-13-091	51-20-0409	REP-P	95-04-106	51-20-1234	REP	95-11-107
50-60-08015	NEW	95-13-091	51-20-0409	REP	95-11-107	51-20-1800	REP-P	95-04-106
50-60-08020	NEW	95-13-091	51-20-0414	REP-P	95-04-106	51-20-1800	REP	95-11-107
50-60-08025	NEW	95-13-091	51-20-0414	REP	95-11-107	51-20-1807	REP-P	95-04-106
50-60-08030	NEW	95-13-091	51-20-0417	REP-P	95-04-106	51-20-1807	REP	95-11-107
50-60-08035	NEW	95-13-091	51-20-0417	REP	95-11-107	51-20-2300	REP-P	95-04-106
50-60-08040	NEW	95-13-091	51-20-0417	REP	95-11-107	51-20-2300	REP	95-11-107
50-60-09001	NEW-P	95-05-084	51-20-0420	REP-P	95-04-106	51-20-2312	REP-P	95-04-106
50-60-09002	NEW-P	95-05-084	51-20-0420	REP	95-11-107	51-20-2312	REP	95-11-107
50-60-09003	NEW-P	95-05-084	51-20-0500	REP-P	95-04-106	51-20-2700	REP-P	95-04-106
50-60-09004	NEW-P	95-05-084	51-20-0500	REP	95-11-107	51-20-2700	REP	95-11-107
50-60-09005	NEW	95-13-091	51-20-0503	REP-P	95-04-106	51-20-2710	REP-P	95-04-106
50-60-09010	NEW	95-13-091	51-20-0503	REP	95-11-107	51-20-2710	REP	95-11-107
50-60-09015	NEW	95-13-091	51-20-0514	REP-P	95-04-106	51-20-2710	REP	95-11-107
50-60-09020	NEW	95-13-091	51-20-0514	REP	95-11-107	51-20-3000	REP-P	95-04-106
50-60-100	AMD-P	95-05-084	51-20-0515	REP-P	95-04-106	51-20-3000	REP	95-11-107
50-60-100	AMD	95-13-091	51-20-0515	REP	95-11-107	51-20-3007	REP-P	95-04-106
50-60-110	AMD-P	95-05-084	51-20-0551	REP-P	95-04-106	51-20-3007	REP	95-11-107
50-60-110	AMD	95-13-091	51-20-0551	REP	95-11-107	51-20-3100	REP-P	95-04-106
50-60-120	AMD-P	95-05-084	51-20-0600	REP-P	95-04-106	51-20-3100	REP	95-11-107
50-60-120	AMD	95-13-091	51-20-0600	REP	95-11-107	51-20-3101	REP-P	95-04-106
50-60-125	NEW-P	95-05-084	51-20-0600	REP	95-11-107	51-20-3101	REP	95-11-107
50-60-125	NEW	95-13-091	51-20-0605	REP-P	95-04-106	51-20-3102	REP-P	95-04-106
50-60-130	AMD-P	95-05-084	51-20-0605	REP	95-11-107	51-20-3102	REP	95-11-107
50-60-130	AMD	95-13-091	51-20-0700	REP-P	95-04-106	51-20-3103	REP-P	95-04-106
50-60-140	AMD-P	95-05-084	51-20-0700	REP	95-11-107	51-20-3103	REP	95-11-107
50-60-140	AMD	95-13-091	51-20-0702	REP-P	95-04-106	51-20-3104	REP-P	95-04-106
50-60-145	NEW	95-13-091	51-20-0702	REP	95-11-107	51-20-3104	REP	95-11-107
50-60-150	AMD-P	95-05-084	51-20-0800	REP-P	95-04-106	51-20-3105	REP-P	95-04-106
50-60-150	AMD	95-13-091	51-20-0800	REP	95-11-107	51-20-3105	REP	95-11-107
50-60-160	AMD-P	95-05-084	51-20-0801	REP-P	95-04-106	51-20-3106	REP-P	95-04-106
50-60-160	AMD	95-13-091	51-20-0801	REP	95-11-107	51-20-3106	REP	95-11-107
50-60-165	AMD-P	95-05-084	51-20-0802	REP-P	95-04-106	51-20-3107	REP-P	95-04-106
50-60-165	AMD	95-13-091	51-20-0802	REP	95-11-107	51-20-3107	REP	95-11-107
50-60-180	AMD	95-13-091	51-20-0900	REP-P	95-04-106	51-20-3108	REP-P	95-04-106
50-60-180	REP-P	95-05-084	51-20-0900	REP	95-11-107	51-20-3108	REP	95-11-107
50-60-180	REP	95-13-091	51-20-0901	REP-P	95-04-106	51-20-3109	REP-P	95-04-106
50-60-190	NEW-P	95-05-084	51-20-0901	REP	95-11-107	51-20-3109	REP	95-11-107
50-60-190	NEW	95-13-091	51-20-0902	REP-P	95-04-106	51-20-3109	REP	95-11-107
50-60-200	NEW-P	95-05-084	51-20-0902	REP	95-11-107	51-20-3110	REP-P	95-04-106
50-60-200	NEW	95-13-091	51-20-1000	REP-P	95-04-106	51-20-3110	REP	95-11-107
50-60-210	NEW-P	95-05-084	51-20-1000	REP	95-11-107	51-20-3111	REP-P	95-04-106
50-60-210	NEW	95-13-091	51-20-1000	REP	95-11-107	51-20-3111	REP	95-11-107
51-20	PREP	95-03-086	51-20-1011	REP-P	95-04-106	51-20-3111	REP	95-11-107
51-20-001	REP-P	95-04-106	51-20-1011	REP	95-11-107	51-20-3112	REP-P	95-04-106
51-20-001	REP	95-11-107	51-20-1200	REP-P	95-04-106	51-20-3112	REP	95-11-107
51-20-002	REP-P	95-04-106	51-20-1200	REP	95-11-107	51-20-3113	REP-P	95-04-106
51-20-002	REP	95-11-107	51-20-1201	REP-P	95-04-106	51-20-3113	REP	95-11-107
51-20-003	REP-P	95-04-106	51-20-1201	REP	95-11-107	51-20-3114	REP-P	95-04-106
51-20-003	REP	95-11-107	51-20-1210	REP-P	95-04-106	51-20-3114	REP	95-11-107
51-20-004	REP-P	95-04-106	51-20-1210	REP	95-11-107	51-20-3151	REP-P	95-04-106
51-20-004	REP	95-11-107	51-20-1215	REP-P	95-04-106	51-20-3151	REP	95-11-107
51-20-005	REP-P	95-04-106	51-20-1215	REP	95-11-107	51-20-3152	REP-P	95-04-106
51-20-005	REP	95-11-107	51-20-1223	REP-P	95-04-106	51-20-3152	REP	95-11-107
51-20-007	REP-P	95-04-106	51-20-1223	REP	95-11-107	51-20-3153	REP-P	95-04-106
51-20-007	REP	95-11-107	51-20-1224	REP-P	95-04-106	51-20-3153	REP	95-11-107
51-20-008	REP-P	95-04-106	51-20-1224	REP	95-11-107	51-20-3154	REP-P	95-04-106
51-20-008	REP	95-11-107	51-20-1225	REP-P	95-04-106	51-20-3154	REP	95-11-107
51-20-009	REP-P	95-04-106	51-20-1225	REP	95-11-107	51-20-3155	REP-P	95-04-106
51-20-009	REP	95-11-107	51-20-1226	REP-P	95-04-106	51-20-3155	REP	95-11-107
51-20-0100	REP-P	95-04-106	51-20-1226	REP	95-11-107	51-20-3156	REP-P	95-04-106
51-20-0100	REP	95-11-107	51-20-1227	REP-P	95-04-106	51-20-3156	REP	95-11-107
51-20-0104	REP-P	95-04-106	51-20-1227	REP	95-11-107	51-20-3300	REP-P	95-04-106
51-20-0104	REP	95-11-107	51-20-1228	REP-P	95-04-106	51-20-3300	REP	95-11-107
51-20-0300	REP-P	95-04-106	51-20-1228	REP	95-11-107	51-20-3304	REP-P	95-04-106
			51-20-1229	REP-P	95-04-106	51-20-3304	REP	95-11-107
				REP	95-11-107	51-20-3306	REP-P	95-04-106

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
51-20-3306	REP	95-11-107	51-22-008	REP-P	95-04-106	51-24-79000	REP-P	95-04-106
51-20-3315	REP-P	95-04-106	51-22-008	REP	95-11-107	51-24-79000	REP	95-11-107
51-20-3315	REP	95-11-107	51-22-0400	REP-P	95-04-106	51-24-79601	REP-P	95-04-106
51-20-3350	REP-P	95-04-106	51-22-0400	REP	95-11-107	51-24-79601	REP	95-11-107
51-20-3350	REP	95-11-107	51-22-0423	REP-P	95-04-106	51-24-79603	REP-P	95-04-106
51-20-3800	REP-P	95-04-106	51-22-0423	REP	95-11-107	51-24-79603	REP	95-11-107
51-20-3800	REP	95-11-107	51-22-0500	REP-P	95-04-106	51-24-79809	REP-P	95-04-106
51-20-3801	REP-P	95-04-106	51-22-0500	REP	95-11-107	51-24-79809	REP	95-11-107
51-20-3801	REP	95-11-107	51-22-0504	REP-P	95-04-106	51-24-79901	REP-P	95-04-106
51-20-3802	REP-P	95-04-106	51-22-0504	REP	95-11-107	51-24-79901	REP	95-11-107
51-20-3802	REP	95-11-107	51-22-0800	REP-P	95-04-106	51-24-80000	REP-P	95-04-106
51-20-3900	REP-P	95-04-106	51-22-0800	REP	95-11-107	51-24-80000	REP	95-11-107
51-20-3900	REP	95-11-107	51-22-0807	REP-P	95-04-106	51-24-80101	REP-P	95-04-106
51-20-3901	REP-P	95-04-106	51-22-0807	REP	95-11-107	51-24-80101	REP	95-11-107
51-20-3901	REP	95-11-107	51-22-1000	REP-P	95-04-106	51-24-80103	REP-P	95-04-106
51-20-3903	REP-P	95-04-106	51-22-1000	REP	95-11-107	51-24-80103	REP	95-11-107
51-20-3903	REP	95-11-107	51-22-1002	REP-P	95-04-106	51-24-80108	REP-P	95-04-106
51-20-5100	REP-P	95-04-106	51-22-1002	REP	95-11-107	51-24-80108	REP	95-11-107
51-20-5100	REP	95-11-107	51-22-1100	REP-P	95-04-106	51-24-80109	REP-P	95-04-106
51-20-5103	REP-P	95-04-106	51-22-1100	REP	95-11-107	51-24-80109	REP	95-11-107
51-20-5103	REP	95-11-107	51-22-1104	REP-P	95-04-106	51-24-80110	REP-P	95-04-106
51-20-5105	REP-P	95-04-106	51-22-1104	REP	95-11-107	51-24-80110	REP	95-11-107
51-20-5105	REP	95-11-107	51-22-1500	REP-P	95-04-106	51-24-80111	REP-P	95-04-106
51-20-5400	REP-P	95-04-106	51-22-1500	REP	95-11-107	51-24-80111	REP	95-11-107
51-20-5400	REP	95-11-107	51-22-1508	REP-P	95-04-106	51-24-80113	REP-P	95-04-106
51-20-5401	REP-P	95-04-106	51-22-1508	REP	95-11-107	51-24-80113	REP	95-11-107
51-20-5401	REP	95-11-107	51-22-1900	REP-P	95-04-106	51-24-80114	REP-P	95-04-106
51-20-93100	REP-P	95-04-106	51-22-1900	REP	95-11-107	51-24-80114	REP	95-11-107
51-20-93100	REP	95-11-107	51-22-1903	REP-P	95-04-106	51-24-80120	REP-P	95-04-106
51-20-93115	REP-P	95-04-106	51-22-1903	REP	95-11-107	51-24-80120	REP	95-11-107
51-20-93115	REP	95-11-107	51-22-1903	REP	95-03-086	51-24-80202	REP-P	95-04-106
51-20-93116	REP-P	95-04-106	51-24-001	REP-P	95-04-106	51-24-80202	REP	95-11-107
51-20-93116	REP	95-11-107	51-24-001	REP	95-11-107	51-24-80301	REP-P	95-04-106
51-20-93117	REP-P	95-04-106	51-24-002	REP-P	95-04-106	51-24-80301	REP	95-11-107
51-20-93117	REP	95-11-107	51-24-002	REP	95-11-107	51-24-80303	REP-P	95-04-106
51-20-93118	REP-P	95-04-106	51-24-003	REP-P	95-04-106	51-24-80303	REP	95-11-107
51-20-93118	REP	95-11-107	51-24-003	REP	95-11-107	51-24-80305	REP-P	95-04-106
51-20-93119	REP-P	95-04-106	51-24-007	REP-P	95-04-106	51-24-80315	REP-P	95-11-107
51-20-93119	REP	95-11-107	51-24-007	REP	95-11-107	51-24-80315	REP	95-04-106
51-20-93120	REP-P	95-04-106	51-24-008	REP-P	95-04-106	51-24-80315	REP	95-11-107
51-20-93120	REP	95-11-107	51-24-008	REP	95-11-107	51-24-80401	REP-P	95-04-106
51-21	PREP	95-03-086	51-24-04000	REP-P	95-04-106	51-24-80402	REP-P	95-11-107
51-21-001	REP-P	95-04-106	51-24-04000	REP	95-11-107	51-24-80402	REP	95-11-107
51-21-001	REP	95-11-107	51-24-04123	REP-P	95-04-106	51-24-99500	REP-P	95-04-106
51-21-002	REP-P	95-04-106	51-24-04123	REP	95-11-107	51-24-99500	REP	95-11-107
51-21-002	REP	95-11-107	51-24-09000	REP-P	95-04-106	51-24-99510	REP-P	95-04-106
51-21-003	REP-P	95-04-106	51-24-09000	REP	95-11-107	51-24-99510	REP	95-11-107
51-21-003	REP	95-11-107	51-24-09105	REP-P	95-04-106	51-25	PREP	95-03-086
51-21-007	REP-P	95-04-106	51-24-09105	REP	95-11-107	51-25-001	REP-P	95-04-106
51-21-007	REP	95-11-107	51-24-09107	REP-P	95-04-106	51-25-001	REP	95-11-107
51-21-008	REP-P	95-04-106	51-24-09107	REP	95-11-107	51-25-002	REP-P	95-04-106
51-21-008	REP	95-11-107	51-24-09110	REP-P	95-04-106	51-25-002	REP	95-11-107
51-21-31010	REP-P	95-04-106	51-24-09110	REP	95-11-107	51-25-003	REP-P	95-04-106
51-21-31010	REP	95-11-107	51-24-09117	REP-P	95-04-106	51-25-003	REP	95-11-107
51-21-38030	REP-P	95-04-106	51-24-09117	REP	95-11-107	51-25-007	REP-P	95-04-106
51-21-38030	REP	95-11-107	51-24-10000	REP-P	95-04-106	51-25-007	REP	95-11-107
51-21-38038	REP-P	95-04-106	51-24-10000	REP	95-11-107	51-25-008	REP-P	95-04-106
51-21-38038	REP	95-11-107	51-24-10201	REP-P	95-04-106	51-25-008	REP	95-11-107
51-21-38039	REP-P	95-04-106	51-24-10201	REP	95-11-107	51-30-0311	NEW-W	95-05-055
51-21-38039	REP	95-11-107	51-24-10507	REP-P	95-04-106	51-30-0417	NEW-W	95-05-055
51-22	PREP	95-03-086	51-24-10507	REP	95-11-107	51-30-0502	NEW-W	95-05-055
51-22-001	REP-P	95-04-106	51-24-25000	REP-P	95-04-106	51-30-3102	NEW-P	95-16-125
51-22-001	REP	95-11-107	51-24-25000	REP	95-11-107	51-30-31200	NEW-P	95-16-125
51-22-002	REP-P	95-04-106	51-24-25107	REP-P	95-04-106	51-30-31201	NEW-P	95-16-125
51-22-002	REP	95-11-107	51-24-25107	REP	95-11-107	51-30-31202	NEW-P	95-16-125
51-22-003	REP-P	95-04-106	51-24-45000	REP-P	95-04-106	51-30-31203	NEW-P	95-16-125
51-22-003	REP	95-11-107	51-24-45000	REP	95-11-107	51-30-31204	NEW-P	95-16-125
51-22-004	REP-P	95-04-106	51-24-45211	REP-P	95-04-106	51-30-31205	NEW-P	95-16-125
51-22-004	REP	95-11-107	51-24-45211	REP	95-11-107	51-30-31206	NEW-P	95-16-125
51-22-005	REP-P	95-04-106	51-24-78000	REP-P	95-04-106	51-30-31207	NEW-P	95-16-125
51-22-005	REP	95-11-107	51-24-78000	REP	95-11-107	51-30-31208	NEW-P	95-16-125
51-22-007	REP-P	95-04-106	51-24-78201	REP-P	95-04-106	51-30-31209	NEW-P	95-16-125
51-22-007	REP	95-11-107	51-24-78201	REP	95-11-107			

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
51-30-31210	NEW-P	95-16-125	67-25-394	AMD	95-06-057	131-28-010	AMD-E	95-07-004
51-34-7901	NEW-W	95-05-054	67-25-396	AMD	95-06-057	131-28-010	PREP	95-10-088
51-35-09000	NEW-W	95-05-054	67-25-398	NEW	95-06-057	131-28-010	AMD-P	95-10-090
51-35-52404	NEW-W	95-05-054	67-25-399	NEW	95-06-057	131-28-010	AMD	95-13-070
51-35-52411	NEW-W	95-05-054	67-25-400	AMD	95-06-057	131-28-015	AMD-E	95-07-004
51-35-52417	NEW-W	95-05-054	67-25-404	AMD	95-06-057	131-28-015	PREP	95-10-088
51-35-52501	NEW-W	95-05-054	67-25-408	AMD	95-06-057	131-28-015	AMD-P	95-10-090
51-35-52502	NEW-W	95-05-054	67-25-412	AMD	95-06-057	131-28-015	AMD	95-13-070
51-35-52503	NEW-W	95-05-054	67-25-416	AMD	95-06-057	131-28-021	AMD-E	95-07-004
51-35-52504	NEW-W	95-05-054	67-25-418	NEW	95-06-057	131-28-021	PREP	95-10-088
51-35-52505	NEW-W	95-05-054	67-25-420	REP	95-06-057	131-28-021	AMD-P	95-10-090
51-35-52506	NEW-W	95-05-054	67-25-428	REP	95-06-057	131-28-021	AMD	95-13-070
51-35-52507	NEW-W	95-05-054	67-25-432	AMD	95-06-057	131-28-025	AMD-E	95-07-004
51-35-52508	NEW-W	95-05-054	67-25-436	NEW	95-06-057	131-28-025	PREP	95-10-088
51-35-52509	NEW-W	95-05-054	67-25-440	AMD	95-06-057	131-28-025	AMD-P	95-10-090
55-01	PREP	95-04-058	67-25-444	AMD	95-06-057	131-28-025	AMD	95-13-070
55-01-010	AMD-E	95-04-075	67-25-446	AMD	95-06-057	131-28-02501	NEW-E	95-07-004
55-01-010	AMD-E	95-12-016	67-25-448	AMD	95-06-057	131-28-02501	PREP	95-10-088
55-01-020	AMD-E	95-04-075	67-25-452	AMD	95-06-057	131-28-02501	NEW-P	95-10-090
55-01-020	AMD-E	95-12-016	67-25-500	REP	95-06-057	131-28-02501	NEW	95-13-070
55-01-030	AMD-E	95-04-075	67-25-505	REP	95-06-057	131-28-026	AMD-E	95-07-004
55-01-030	AMD-E	95-12-016	67-25-510	REP	95-06-057	131-28-026	PREP	95-10-088
55-01-040	AMD-E	95-04-075	67-25-525	REP	95-06-057	131-28-026	AMD-P	95-10-090
55-01-040	AMD-E	95-12-016	67-25-530	REP	95-06-057	131-28-026	AMD	95-13-070
55-01-050	AMD-E	95-04-075	67-25-540	AMD	95-06-057	131-28-026	AMD-E	95-19-063
55-01-050	AMD-E	95-12-016	67-25-545	AMD	95-06-057	131-28-028	REP-E	95-07-004
55-01-060	AMD-E	95-04-075	67-25-550	AMD	95-06-057	131-28-028	PREP	95-10-088
55-01-060	AMD-E	95-12-016	67-25-560	AMD	95-06-057	131-28-028	REP-P	95-10-090
55-01-070	AMD-E	95-04-075	67-25-570	AMD	95-06-057	131-28-028	REP	95-13-070
55-01-070	AMD-E	95-12-016	67-25-590	AMD	95-06-057	131-28-030	AMD-E	95-07-004
60-12-010	PREP	95-04-090	67-35-030	PREP	95-04-012	131-28-030	PREP	95-10-088
60-12-010	AMD-P	95-06-085	67-35-030	AMD-P	95-05-040	131-28-030	AMD-P	95-10-090
60-12-010	AMD	95-10-097	67-35-030	AMD	95-12-007	131-28-030	AMD	95-13-070
67-25-005	AMD	95-06-057	67-35-210	PREP	95-04-012	131-28-040	AMD-E	95-07-004
67-25-010	AMD	95-06-057	67-35-210	AMD-P	95-05-040	131-28-040	PREP	95-10-088
67-25-015	AMD	95-06-057	67-35-210	AMD	95-12-007	131-28-040	AMD-P	95-10-090
67-25-020	AMD	95-06-057	67-35-215	PREP	95-04-012	131-28-040	AMD	95-13-070
67-25-025	AMD	95-06-057	67-35-215	NEW-P	95-05-040	131-28-045	AMD-E	95-07-004
67-25-030	AMD	95-06-057	67-35-215	NEW	95-12-007	131-28-045	PREP	95-10-088
67-25-050	AMD	95-06-057	67-35-220	PREP	95-04-012	131-28-045	AMD-P	95-10-090
67-25-055	AMD	95-06-057	67-35-220	AMD-P	95-05-040	131-28-045	AMD	95-13-070
67-25-056	NEW	95-06-057	67-35-220	AMD	95-12-007	131-28-080	AMD-E	95-07-004
67-25-070	AMD	95-06-057	67-35-230	PREP	95-04-012	131-28-080	PREP	95-10-088
67-25-075	AMD	95-06-057	67-35-230	AMD-P	95-05-040	131-28-080	AMD-P	95-10-090
67-25-077	AMD	95-06-057	67-35-230	AMD	95-12-007	131-28-080	AMD	95-13-070
67-25-080	AMD	95-06-057	67-35-350	PREP	95-04-012	131-28-085	AMD-E	95-07-004
67-25-085	AMD	95-06-057	67-35-350	REP-P	95-05-040	131-28-085	PREP	95-10-088
67-25-090	AMD	95-06-057	67-35-350	REP	95-12-007	131-28-085	AMD-P	95-10-090
67-25-095	AMD	95-06-057	67-35-360	PREP	95-04-012	131-28-085	AMD	95-13-070
67-25-100	AMD	95-06-057	67-35-360	AMD-P	95-05-040	131-28-090	AMD-E	95-07-004
67-25-105	REP	95-06-057	67-35-360	AMD	95-12-007	131-28-090	PREP	95-10-088
67-25-110	AMD	95-06-057	67-35-430	PREP	95-04-012	131-28-090	AMD-P	95-10-090
67-25-120	REP	95-06-057	67-35-430	AMD-P	95-05-040	131-28-090	AMD	95-13-070
67-25-255	AMD	95-06-057	67-35-430	AMD	95-12-007	131-46-135	NEW-P	95-06-054
67-25-257	AMD	95-06-057	82-50-021	AMD-P	95-11-116	131-46-135	NEW	95-10-013
67-25-260	AMD	95-06-057	82-50-021	AMD	95-15-031	132D-300	PREP	95-16-050
67-25-270	AMD	95-06-057	106-72-005	PREP	95-18-087	132D-300-005	PREP	95-16-050
67-25-275	AMD	95-06-057	106-72-025	PREP	95-18-087	132D-300-010	REP-P	95-19-080
67-25-280	AMD	95-06-057	106-140-036	AMD-P	95-19-019	132D-300-020	REP-P	95-19-080
67-25-281	REP	95-06-057	130-10	PREP	95-06-051A	132D-300-030	REP-P	95-19-080
67-25-284	NEW	95-06-057	131-12-010	AMD-E	95-10-012	132D-300-040	REP-P	95-19-080
67-25-288	NEW	95-06-057	131-12-010	PREP	95-10-017	132D-305-005	NEW-P	95-19-080
67-25-300	AMD	95-06-057	131-12-010	AMD-P	95-10-018	132D-310-005	NEW-P	95-19-080
67-25-325	AMD	95-06-057	131-12-010	AMD-C	95-13-005	132D-315-005	NEW-P	95-19-080
67-25-326	AMD	95-06-057	131-12-010	AMD	95-13-068	132G-126-010	REP-P	95-04-008
67-25-350	AMD	95-06-057	131-16-005	PREP	95-05-026	132G-126-010	REP	95-07-103
67-25-360	AMD	95-06-057	131-16-005	REP-P	95-06-064	132G-126-020	REP-P	95-04-008
67-25-380	AMD	95-06-057	131-16-005	REP	95-10-014	132G-126-020	REP	95-07-103
67-25-384	AMD	95-06-057	131-16-056	PREP	95-10-087	132G-126-030	REP-P	95-04-008
67-25-385	REP	95-06-057	131-16-056	NEW-P	95-10-089	132G-126-030	REP	95-07-103
67-25-388	AMD	95-06-057	131-16-056	NEW-C	95-13-006	132G-126-040	REP-P	95-04-008
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132G-126-060	REP	95-07-103	132K-120-015	REP	95-17-073	133-40-010	AMD-P	95-13-076
132G-126-070	REP-P	95-04-008	132K-120-020	REP-P	95-12-103	133-40-020	PREP	95-12-082
132G-126-070	REP	95-07-103	132K-120-020	REP	95-17-073	133-40-020	AMD-P	95-13-076
132G-126-080	REP-P	95-04-008	132K-120-025	REP-P	95-12-103	133-40-030	PREP	95-12-082
132G-126-080	REP	95-07-103	132K-120-025	REP	95-17-073	133-40-030	AMD-P	95-13-076
132G-126-200	REP-P	95-04-008	132K-120-030	REP-P	95-12-103	133-40-040	PREP	95-12-082
132G-126-200	REP	95-07-103	132K-120-030	REP	95-17-073	133-40-040	AMD-P	95-13-076
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132G-126-210	REP	95-07-103	132K-120-035	REP	95-17-073	137-28-006	REP	95-15-044
132G-126-220	REP-P	95-04-008	132K-120-040	REP-P	95-12-103	137-28-010	REP	95-15-044
132G-126-220	REP	95-07-103	132K-120-040	REP	95-17-073	137-28-015	REP	95-15-044
132G-126-230	REP-P	95-04-008	132K-120-045	REP-P	95-12-103	137-28-020	REP	95-15-044
132G-126-230	REP	95-07-103	132K-120-045	REP	95-17-073	137-28-025	REP	95-15-044
132G-126-240	REP-P	95-04-008	132K-120-050	REP-P	95-12-103	137-28-030	REP	95-15-044
132G-126-240	REP	95-07-103	132K-120-050	REP	95-17-073	137-28-031	REP	95-15-044
132G-126-250	REP-P	95-04-008	132K-120-055	REP-P	95-12-103	137-28-032	REP	95-15-044
132G-126-250	REP	95-07-103	132K-120-055	REP	95-17-073	137-28-035	REP	95-15-044
132G-126-260	REP-P	95-04-008	132K-120-060	REP-P	95-12-103	137-28-040	REP	95-15-044
132G-126-260	REP	95-07-103	132K-120-060	REP	95-17-073	137-28-045	REP	95-15-044
132G-126-270	REP-P	95-04-008	132K-120-065	REP-P	95-12-103	137-28-050	REP	95-15-044
132G-126-270	REP	95-07-103	132K-120-065	REP	95-17-073	137-28-055	REP	95-15-044
132G-126-280	REP-P	95-04-008	132K-120-070	REP-P	95-12-103	137-28-065	REP	95-15-044
132G-126-280	REP	95-07-103	132K-120-070	REP	95-17-073	137-28-072	REP	95-15-044
132G-126-290	REP-P	95-04-008	132K-120-075	REP-P	95-12-103	137-28-075	REP	95-15-044
132G-126-290	REP	95-07-103	132K-120-075	REP	95-17-073	137-28-080	REP	95-15-044
132G-126-300	REP-P	95-04-008	132K-120-080	REP-P	95-12-103	137-28-085	REP	95-15-044
132G-126-300	REP	95-07-103	132K-120-080	REP	95-17-073	137-28-090	REP	95-15-044
132G-126-310	REP-P	95-04-008	132K-120-085	REP-P	95-12-103	137-28-093	REP	95-15-044
132G-126-310	REP	95-07-103	132K-120-085	REP	95-17-073	137-28-094	REP	95-15-044
132G-126-320	REP-P	95-04-008	132K-130-010	PREP	95-11-137	137-28-095	REP	95-15-044
132G-126-320	REP	95-07-103	132K-130-010	NEW-P	95-12-102	137-28-097	REP	95-15-044
132G-126-330	REP-P	95-04-008	132K-130-010	NEW	95-17-072	137-28-100	REP	95-15-044
132G-126-330	REP	95-07-103	132M-108-020	AMD-P	95-13-097	137-28-105	REP	95-15-044
132G-126-340	REP-P	95-04-008	132M-108-020	AMD	95-16-069	137-28-107	REP	95-15-044
132G-126-340	REP	95-07-103	132M-108-090	NEW-P	95-06-052	137-28-110	REP	95-15-044
132G-126-350	REP-P	95-04-008	132M-108-090	NEW	95-11-014	137-28-115	REP	95-15-044
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132G-126-360	REP-P	95-04-008	132M-160-040	NEW	95-16-069	137-28-130	REP	95-15-044
132G-126-360	REP	95-07-103	132M-160-050	NEW-P	95-13-097	137-28-140	NEW	95-15-044
132G-126-370	REP-P	95-04-008	132M-160-050	NEW	95-16-069	137-28-150	NEW	95-15-044
132G-126-370	REP	95-07-103	132Q-04-076	NEW-P	95-11-019	137-28-160	NEW	95-15-044
132G-126-380	REP-P	95-04-008	132Q-04-076	NEW	95-16-066	137-28-170	NEW	95-15-044
132G-126-380	REP	95-07-103	132Q-04-077	NEW-P	95-11-020	137-28-180	NEW	95-15-044
132G-126-390	REP-P	95-04-008	132Q-04-077	NEW	95-16-067	137-28-190	NEW	95-15-044
132G-126-390	REP	95-07-103	132Q-04-078	NEW-P	95-11-021	137-28-200	NEW	95-15-044
132G-126-400	REP-P	95-04-008	132Q-04-078	NEW	95-16-068	137-28-210	NEW	95-15-044
132G-126-400	REP	95-07-103	132Q-04-097	NEW	95-03-060	137-28-220	NEW	95-15-044
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132G-160-075	NEW-P	95-19-081	133-10-010	AMD-P	95-13-075	137-28-240	NEW	95-15-044
132H-121-020	NEW-P	95-14-069	133-10-020	PREP	95-12-079	137-28-250	NEW	95-15-044
132H-121-020	NEW	95-19-050	133-10-020	AMD-P	95-13-075	137-28-260	NEW	95-15-044
132H-160-052	NEW-P	95-14-070	133-10-030	AMD-P	95-13-075	137-28-270	NEW	95-15-044
132H-160-052	NEW	95-19-049	133-20-010	PREP	95-12-080	137-28-280	NEW	95-15-044
132H-160-093	REP-P	95-14-070	133-20-010	AMD-P	95-13-078	137-28-290	NEW	95-15-044
132H-160-093	REP	95-19-049	133-20-020	PREP	95-12-080	137-28-300	NEW	95-15-044
132H-160-094	REP-P	95-14-070	133-20-020	AMD-P	95-13-078	137-28-310	NEW	95-15-044
132H-160-094	REP	95-19-049	133-20-040	PREP	95-12-080	137-28-320	NEW	95-15-044
132H-160-095	REP-P	95-14-070	133-20-040	AMD-P	95-13-078	137-28-330	NEW	95-15-044
132H-160-095	REP	95-19-049	133-20-060	PREP	95-12-080	137-28-340	NEW	95-15-044
132H-160-182	AMD-E	95-11-098	133-20-060	AMD-P	95-13-078	137-28-350	NEW	95-15-044
132H-160-182	PREP	95-14-068	133-20-100	AMD-P	95-13-078	137-28-360	NEW	95-15-044
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132I-130-030	NEW	95-09-072	133-30	PREP	95-12-081	137-28-390	NEW	95-15-044
132I-160	PREP	95-10-021	133-30-010	REP-P	95-13-077	137-28-400	NEW	95-15-044
132I-160-110	AMD-P	95-11-102	133-30-020	REP-P	95-13-077	137-28-410	NEW	95-15-044
132I-160-110	AMD	95-15-026	133-30-030	REP-P	95-13-077	137-28-420	NEW	95-15-044
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132K-120-005	REP-P	95-12-103	133-30-050	REP-P	95-13-077	139-10-210	AMD-P	95-04-068
132K-120-005	REP	95-17-073	133-30-060	REP-P	95-13-077	139-10-210	AMD	95-08-036
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173-06-010	REP	95-07-058	173-175-790	REP-P	95-18-104	173-303-320	AMD-P	95-11-113
173-06-020	REP-P	95-03-081	173-175-800	REP-P	95-18-104	173-303-330	AMD-P	95-11-113
173-06-020	REP	95-07-058	173-175-810	REP-P	95-18-104	173-303-335	NEW-P	95-11-113
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173-06-030	REP	95-07-058	173-204-100	AMD-P	95-16-023	173-303-350	AMD-P	95-11-113
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173-06-100	NEW	95-07-058	173-204-320	AMD-P	95-16-023	173-303-380	AMD-P	95-11-113
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173-06-130	NEW	95-07-058	173-204-510	AMD-P	95-16-023	173-303-506	AMD-P	95-11-113
173-12	PREP	95-03-080	173-204-520	AMD-P	95-16-023	173-303-510	AMD-P	95-11-113
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173-12-050	REP	95-09-036	173-224-070	REP-P	95-15-045	173-303-646	AMD-P	95-11-113
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173-19-4205	AMD	95-16-048	173-303-201	AMD-P	95-11-113	173-330-030	REP-P	95-15-104
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173-175-020	AMD-P	95-18-104	173-303-220	AMD-P	95-11-113	173-330-050	REP-P	95-15-104
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173-175-390	AMD-P	95-18-104	173-303-250	AMD-P	95-11-113	173-330-900	REP-P	95-15-104
173-175-700	REP-P	95-18-104	173-303-260	AMD-P	95-11-113	173-340-200	AMD-P	95-15-078
173-175-710	REP-P	95-18-104	173-303-270	AMD-P	95-11-113	173-340-440	AMD-P	95-15-078
173-175-720	REP-P	95-18-104	173-303-280	AMD-P	95-11-113	173-340-530	AMD-P	95-15-078
173-175-730	REP-P	95-18-104	173-303-281	AMD-P	95-11-113	173-340-700	AMD-P	95-15-078
173-175-740	REP-P	95-18-104	173-303-282	AMD-P	95-11-113	173-340-706	AMD-P	95-15-078

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173-340-740	AMD-P	95-15-078	173-400-101	AMD	95-07-126	174-116-041	PREP	95-05-010
173-340-745	AMD-P	95-15-078	173-400-102	NEW	95-07-126	174-116-041	AMD-P	95-07-132
173-351	PREP	95-13-088	173-400-103	NEW	95-07-126	174-116-041	AMD	95-16-093
173-354	NEW-C	95-16-109	173-400-104	NEW	95-07-126	174-116-042	PREP	95-05-010
173-354-008	NEW-P	95-15-104	173-400-171	AMD	95-07-126	174-116-042	AMD-P	95-07-132
173-354-010	NEW-P	95-15-104	173-420-020	AMD-P	95-10-052	174-116-042	AMD	95-16-093
173-354-020	NEW-P	95-15-104	173-420-020	AMD	95-18-022	174-116-043	PREP	95-05-010
173-354-050	NEW-P	95-15-104	173-420-030	AMD-P	95-10-052	174-116-043	AMD-P	95-07-132
173-354-070	NEW-P	95-15-104	173-420-030	AMD	95-18-022	174-116-043	AMD	95-16-093
173-354-090	NEW-P	95-15-104	173-420-040	AMD-P	95-10-052	174-116-044	PREP	95-05-010
173-354-100	NEW-P	95-15-104	173-420-040	AMD	95-18-022	174-116-044	AMD-P	95-07-132
173-354-150	NEW-P	95-15-104	173-420-050	AMD-P	95-10-052	174-116-044	AMD	95-16-093
173-354-200	NEW-P	95-15-104	173-420-050	AMD	95-18-022	174-116-046	PREP	95-05-010
173-354-230	NEW-P	95-15-104	173-420-055	NEW-P	95-10-052	174-116-046	AMD-P	95-07-132
173-354-300	NEW-P	95-15-104	173-420-055	NEW	95-18-022	174-116-046	AMD	95-16-093
173-354-320	NEW-P	95-15-104	173-420-060	AMD-P	95-10-052	174-116-050	PREP	95-05-010
173-354-340	NEW-P	95-15-104	173-420-060	AMD	95-18-022	174-116-050	AMD-P	95-07-132
173-354-360	NEW-P	95-15-104	173-420-065	NEW-P	95-10-052	174-116-050	AMD	95-16-093
173-354-380	NEW-P	95-15-104	173-420-065	NEW	95-18-022	174-116-060	PREP	95-05-010
173-354-400	NEW-P	95-15-104	173-420-070	AMD-P	95-10-052	174-116-060	AMD-P	95-07-132
173-354-440	NEW-P	95-15-104	173-420-070	AMD	95-18-022	174-116-060	AMD	95-16-093
173-354-460	NEW-P	95-15-104	173-420-080	AMD-P	95-10-052	174-116-071	PREP	95-05-010
173-354-500	NEW-P	95-15-104	173-420-080	AMD	95-18-022	174-116-071	AMD-P	95-07-132
173-354-515	NEW-P	95-15-104	173-420-110	AMD-P	95-10-052	174-116-071	AMD	95-16-093
173-354-525	NEW-P	95-15-104	173-420-110	AMD	95-18-022	174-116-072	PREP	95-05-010
173-354-535	NEW-P	95-15-104	173-420-110	AMD	95-18-022	174-116-072	AMD-P	95-07-132
173-354-545	NEW-P	95-15-104	173-420-120	NEW-P	95-10-052	174-116-072	AMD	95-16-093
173-354-555	NEW-P	95-15-104	173-420-120	NEW	95-18-022	174-116-072	PREP	95-05-010
173-354-600	NEW-P	95-15-104	173-422	PREP	95-18-075	174-116-080	PREP	95-05-010
173-354-620	NEW-P	95-15-104	173-422-020	AMD	95-06-068	174-116-080	AMD-P	95-07-132
173-354-640	NEW-P	95-15-104	173-422-030	AMD	95-06-068	174-116-080	AMD	95-16-093
173-354-660	NEW-P	95-15-104	173-422-035	AMD	95-06-068	174-116-091	PREP	95-05-010
173-354-670	NEW-P	95-15-104	173-422-050	AMD	95-06-068	174-116-091	AMD-P	95-07-132
173-354-680	NEW-P	95-15-104	173-422-060	AMD	95-06-068	174-116-091	AMD	95-16-093
173-354-700	NEW-P	95-15-104	173-422-065	AMD	95-06-068	174-116-092	PREP	95-05-010
173-354-720	NEW-P	95-15-104	173-422-070	AMD	95-06-068	174-116-092	AMD-P	95-07-132
173-354-800	NEW-P	95-15-104	173-422-090	AMD	95-06-068	174-116-092	AMD	95-16-093
173-354-900	NEW-P	95-15-104	173-422-100	AMD	95-06-068	174-116-119	PREP	95-05-010
173-354-990	NEW-P	95-15-104	173-422-120	AMD	95-06-068	174-116-119	AMD-P	95-07-132
173-360-100	AMD	95-04-102	173-422-160	AMD	95-06-068	174-116-119	AMD	95-16-093
173-360-110	AMD	95-04-102	173-422-170	AMD	95-06-068	174-116-121	PREP	95-05-010
173-360-120	AMD	95-04-102	173-422-190	AMD	95-06-068	174-116-121	AMD-P	95-07-132
173-360-130	AMD	95-04-102	173-422-195	AMD	95-06-068	174-116-121	AMD	95-16-093
173-360-190	AMD	95-04-102	173-430-010	AMD	95-03-083	174-116-122	PREP	95-05-010
173-360-200	AMD	95-04-102	173-430-020	AMD	95-03-083	174-116-122	AMD-P	95-07-132
173-360-210	AMD	95-04-102	173-430-030	AMD	95-03-083	174-116-122	AMD	95-16-093
173-360-305	AMD	95-04-102	173-430-040	AMD	95-03-083	174-116-123	PREP	95-05-010
173-360-310	AMD	95-04-102	173-430-050	AMD	95-03-083	174-116-123	AMD-P	95-07-132
173-360-320	AMD	95-04-102	173-430-060	AMD	95-03-083	174-116-123	AMD	95-16-093
173-360-325	AMD	95-04-102	173-430-070	AMD	95-03-083	174-116-124	PREP	95-05-010
173-360-330	AMD	95-04-102	173-430-080	AMD	95-03-083	174-116-124	AMD-P	95-07-132
173-360-335	AMD	95-04-102	173-430-090	NEW	95-03-083	174-116-124	AMD	95-16-093
173-360-340	AMD	95-04-102	173-430-100	NEW	95-03-083	174-116-125	PREP	95-05-010
173-360-345	AMD	95-04-102	173-548	AMD-C	95-06-055	174-116-126	PREP	95-05-010
173-360-350	AMD	95-04-102	173-548	PREP	95-12-059	174-116-127	PREP	95-05-010
173-360-370	AMD	95-04-102	173-548-010	AMD-E	95-07-009	174-116-127	AMD-P	95-07-132
173-360-380	AMD	95-04-102	173-548-015	AMD-W	95-12-065	174-116-127	AMD	95-16-093
173-360-385	AMD	95-04-102	173-548-015	NEW-E	95-07-009	178-01	PREP	95-04-016
173-360-600	AMD	95-04-102	173-548-030	NEW-W	95-12-065	178-01-010	REP-P	95-04-017
173-360-610	AMD	95-04-102	173-548-030	AMD-E	95-07-009	178-01-010	REP	95-08-008
173-360-620	NEW	95-04-102	173-548-030	AMD-W	95-12-065	180-10	PREP	95-11-069
173-360-630	AMD	95-04-102	173-563-015	AMD	95-02-066	180-16-200	AMD-P	95-16-113
173-360-640	REP	95-04-102	173-564-040	AMD	95-02-066	180-16-205	AMD-P	95-16-113
173-360-650	REP	95-04-102	174-116-010	PREP	95-05-010	180-16-210	AMD-P	95-16-113
173-360-655	REP	95-04-102	174-116-011	PREP	95-05-010	180-16-215	AMD-P	95-16-113
173-360-660	REP	95-04-102	174-116-020	PREP	95-05-010	180-16-222	PREP	95-13-047
173-360-680	REP	95-04-102	174-116-020	AMD-P	95-07-132	180-18-010	NEW-P	95-16-113
173-360-690	REP	95-04-102	174-116-020	AMD	95-16-093	180-18-020	NEW-P	95-16-113
173-360-695	REP	95-04-102	174-116-030	PREP	95-05-010	180-18-030	NEW-P	95-16-113
173-400	PREP	95-06-067	174-116-030	AMD-P	95-07-132	180-18-040	NEW-P	95-16-113
173-400-030	AMD	95-07-126	174-116-030	AMD	95-16-093	180-18-050	NEW-P	95-16-113
173-400-099	NEW	95-07-126	174-116-040	PREP	95-05-010	180-18-060	NEW-P	95-16-113
173-400-100	AMD	95-07-126	174-116-040	AMD-P	95-07-132	180-18-080	NEW-P	95-16-113
			174-116-040	AMD	95-16-093	180-20	PREP	95-17-028

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180-24-400	NEW-P	95-16-064	180-77-045	REP	95-12-056	182-13-020	NEW-W	95-03-074
180-24-405	NEW-P	95-16-064	180-77-050	REP-P	95-08-058	182-13-020	NEW-P	95-03-075
180-24-410	NEW-P	95-16-064	180-77-050	REP	95-12-056	182-13-020	NEW	95-07-011
180-24-415	NEW-P	95-16-064	180-77-055	REP-P	95-08-058	182-13-030	NEW-P	95-03-063
180-25-032	PREP	95-17-033	180-77-055	REP	95-12-056	182-13-030	NEW-W	95-03-074
180-27	PREP	95-05-038	180-77-060	REP-P	95-08-058	182-13-030	NEW-P	95-03-075
180-27-019	AMD-P	95-05-083	180-77-060	REP	95-12-056	182-13-030	NEW	95-07-011
180-27-019	AMD	95-08-032	180-77-065	REP-P	95-08-058	182-13-040	NEW-P	95-03-063
180-27-019	PREP	95-12-075	180-77-065	REP	95-12-056	182-13-040	NEW-W	95-03-074
180-27-019	AMD-P	95-16-077	180-77-068	NEW-P	95-08-058	182-13-040	NEW-P	95-03-075
180-27-040	PREP	95-12-073	180-77-068	NEW	95-12-056	182-13-040	NEW	95-07-011
180-27-040	AMD-P	95-16-079	180-77-070	AMD-P	95-08-058	182-14-010	NEW-E	95-08-001
180-27-05605	AMD-E	95-11-092	180-77-070	AMD	95-12-056	182-14-010	NEW-E	95-15-092
180-27-05605	PREP	95-12-043	180-77-075	AMD-P	95-08-058	182-14-020	NEW-E	95-08-001
180-27-05605	AMD-P	95-12-074	180-77-075	AMD	95-12-056	182-14-020	NEW-E	95-15-092
180-27-05605	AMD	95-16-076	180-77-080	AMD-P	95-08-058	182-14-030	NEW-E	95-08-001
180-27-600	PREP	95-14-042	180-77-080	AMD	95-12-056	182-14-030	NEW-E	95-15-092
180-27-600	NEW-P	95-16-078	180-77-085	REP-P	95-08-058	182-14-040	NEW-E	95-08-001
180-27-605	PREP	95-14-042	180-77-085	REP	95-12-056	182-14-040	NEW-E	95-15-092
180-27-605	NEW-P	95-16-078	180-77-090	REP-P	95-08-058	182-14-050	NEW-E	95-08-001
180-27-610	PREP	95-14-042	180-77-090	REP	95-12-056	182-14-050	NEW-E	95-15-092
180-27-610	NEW-P	95-16-078	180-77-095	REP-P	95-08-058	182-14-060	NEW-E	95-08-001
180-27-615	PREP	95-14-042	180-77-095	REP	95-12-056	182-14-060	NEW-E	95-15-092
180-27-615	NEW-P	95-16-078	180-77-100	REP-P	95-08-058	182-14-070	NEW-E	95-08-001
180-29-015	PREP	95-05-036	180-77-100	REP	95-12-056	182-14-070	NEW-E	95-15-092
180-29-015	AMD-P	95-05-081	180-77-105	REP-P	95-08-058	182-14-080	NEW-E	95-08-001
180-29-015	AMD	95-08-033	180-77-105	REP	95-12-056	182-14-080	NEW-E	95-15-092
180-29-095	PREP	95-05-037	180-77-106	NEW-P	95-08-058	182-14-090	NEW-E	95-08-001
180-29-095	AMD-P	95-05-082	180-77-106	NEW	95-12-056	182-14-090	NEW-E	95-15-092
180-29-095	AMD	95-08-031	180-77-110	AMD-P	95-08-058	182-14-100	NEW-E	95-08-001
180-29-125	PREP	95-05-035	180-77-110	AMD	95-12-056	182-14-100	NEW-E	95-15-092
180-29-125	AMD-P	95-05-080	180-77-120	NEW-P	95-08-058	182-16	PREP	95-04-057
180-29-125	AMD	95-08-030	180-77-120	NEW	95-12-056	182-18	PREP	95-04-057
180-43-010	AMD-P	95-05-077	180-77-122	NEW-P	95-08-058	182-20-001	NEW-P	95-08-060
180-43-010	AMD	95-08-028	180-77-122	NEW	95-12-056	182-20-001	NEW	95-12-010
180-43-015	AMD-P	95-05-077	180-78-145	PREP	95-06-024	182-20-010	NEW-P	95-08-060
180-43-015	AMD	95-08-028	180-78-145	AMD-P	95-08-057	182-20-010	NEW	95-12-010
180-51-050	AMD-P	95-12-025	180-78-145	AMD	95-12-055	182-20-100	NEW-P	95-08-060
180-51-050	AMD	95-16-063	180-78-160	PREP	95-13-048	182-20-100	NEW	95-12-010
180-53-070	AMD-P	95-16-113	180-78-160	AMD-P	95-16-081	182-20-130	NEW-P	95-08-060
180-57-080	PREP	95-12-024	180-79-062	PREP	95-13-046	182-20-130	NEW	95-12-010
180-75-070	PREP	95-05-043	180-79-062	AMD-P	95-16-082	182-20-160	NEW-P	95-08-060
180-77-001	NEW-P	95-08-058	180-79-230	PREP	95-13-047	182-20-160	NEW	95-12-010
180-77-001	NEW	95-12-056	180-79-241	PREP	95-13-049	182-20-200	NEW-P	95-08-060
180-77-002	NEW-P	95-08-058	180-79-241	AMD-P	95-16-080	182-20-200	NEW	95-12-010
180-77-002	NEW	95-12-056	180-79-334	PREP	95-16-075	182-20-300	NEW-P	95-08-060
180-77-003	AMD-P	95-08-058	180-79-340	PREP	95-16-073	182-20-300	NEW	95-12-010
180-77-003	AMD	95-12-056	180-79-350	PREP	95-16-074	182-20-320	NEW-P	95-08-060
180-77-004	NEW-P	95-08-058	180-85	PREP	95-05-042	182-20-320	NEW	95-12-010
180-77-004	NEW	95-12-056	180-95	AMD-P	95-05-076	182-20-400	NEW-P	95-08-060
180-77-005	AMD-P	95-08-058	180-95	AMD	95-08-029	182-20-400	NEW	95-12-010
180-77-005	AMD	95-12-056	180-95-005	AMD-P	95-05-076	192-04-060	AMD-P	95-15-063
180-77-010	REP-P	95-08-058	180-95-005	AMD	95-08-029	192-04-060	AMD	95-18-055
180-77-010	REP	95-12-056	180-95-050	AMD-P	95-05-076	192-04-063	NEW-P	95-15-063
180-77-012	NEW-P	95-08-058	180-95-050	AMD	95-08-029	192-04-063	NEW	95-18-055
180-77-012	NEW	95-12-056	180-95-070	NEW-P	95-05-076	192-04-090	AMD-P	95-15-063
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180-77-014	NEW	95-12-056	182-04	PREP	95-04-057	192-04-170	AMD-P	95-15-063
180-77-015	AMD-P	95-08-058	182-08	PREP	95-04-057	192-04-170	AMD	95-18-055
180-77-015	AMD	95-12-056	182-12	PREP	95-04-057	192-04-175	NEW-P	95-15-063
180-77-020	AMD-P	95-08-058	182-12-110	AMD-E	95-08-002	192-04-175	NEW	95-18-055
180-77-020	AMD	95-12-056	182-12-110	AMD-E	95-15-112	192-12	PREP	95-10-053
180-77-030	REP-P	95-08-058	182-12-111	AMD-E	95-08-002	192-12-130	PREP	95-04-104
180-77-030	REP	95-12-056	182-12-111	AMD-E	95-15-112	192-12-130	AMD-P	95-15-094
180-77-031	NEW-P	95-08-058	182-12-115	AMD-E	95-08-002	192-12-130	AMD	95-18-107
180-77-031	NEW	95-12-056	182-12-115	AMD-E	95-15-112	192-12-141	PREP	95-04-104
180-77-035	REP-P	95-08-058	182-12-122	AMD-E	95-08-002	192-12-141	PREP	95-07-075
180-77-035	REP	95-12-056	182-12-122	AMD-E	95-15-112	192-12-141	AMD-P	95-15-094
180-77-040	REP-P	95-08-058	182-13-010	NEW-P	95-03-063	192-12-141	AMD	95-18-107
180-77-040	REP	95-12-056	182-13-010	NEW-W	95-03-074	192-12-184	AMD-P	95-06-081
180-77-041	NEW-P	95-08-058	182-13-010	NEW-P	95-03-075	192-12-184	AMD	95-09-085
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192-12-320	AMD	95-09-085	197-11-265	NEW	95-08-041	220-40-030	AMD-P	95-17-130
192-12-340	AMD-P	95-06-081	197-11-268	NEW	95-08-041	220-44-050	AMD-P	95-06-094
192-12-340	AMD	95-09-085	197-11-305	AMD	95-07-023	220-44-050	AMD	95-08-069
192-16	PREP	95-11-128	197-11-340	AMD	95-07-023	220-44-05000M	REP-E	95-05-007
192-16-002	PREP	95-11-128	197-11-680	AMD	95-07-023	220-44-05000N	NEW-E	95-05-007
192-16-007	REP-P	95-06-081	197-11-748	REP	95-07-023	220-44-05000N	REP-E	95-05-021
192-16-007	REP	95-09-085	197-11-890	AMD	95-07-023	220-44-05000P	NEW-E	95-05-021
192-16-017	AMD-P	95-06-081	197-11-904	AMD	95-07-023	220-44-05000P	REP-E	95-08-034
192-16-017	AMD	95-09-085	197-11-908	AMD	95-07-023	220-44-05000Q	NEW-E	95-08-034
192-16-019	AMD-P	95-06-081	197-11-938	AMD	95-07-023	220-44-05000Q	REP-E	95-10-001C
192-16-019	AMD	95-09-085	204-24-050	AMD-S	95-03-089	220-44-05000R	NEW-E	95-10-001C
192-16-021	AMD-P	95-06-081	204-24-050	AMD	95-07-137	220-44-05000R	REP-E	95-15-048
192-16-021	AMD	95-09-085	204-41-030	AMD-E	95-04-060	220-44-05000S	NEW-E	95-15-048
192-16-024	NEW-E	95-14-091	204-41-030	PREP	95-05-001	220-44-05000S	REP-E	95-16-096
192-16-025	AMD-P	95-06-081	204-41-030	AMD-P	95-06-065	220-44-05000T	NEW-E	95-16-096
192-16-025	AMD	95-09-085	204-41-030	AMD	95-09-091	220-44-05000T	REP-E	95-18-056
192-16-050	AMD-P	95-06-081	220-12-010	AMD-P	95-14-133	220-44-05000U	NEW-E	95-18-056
192-16-050	AMD	95-09-085	220-12-010	AMD	95-17-062	220-47-262	AMD-P	95-09-081
192-16-051	PREP	95-11-128	220-12-020	AMD	95-04-066	220-47-262	AMD	95-13-056
192-16-051	AMD-E	95-14-091	220-20-020	AMD-P	95-17-130	220-47-304	AMD-P	95-09-081
192-16-052	NEW-E	95-14-091	220-20-025	AMD-P	95-17-130	220-47-304	AMD	95-13-056
192-16-065	REP-P	95-06-081	220-22-030	AMD-P	95-09-081	220-47-307	AMD-P	95-09-081
192-16-065	REP	95-09-085	220-22-030	AMD	95-13-056	220-47-307	AMD	95-13-056
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192-32-001	AMD-P	95-06-081	220-32-05100P	NEW-E	95-18-023	220-47-412	AMD	95-13-056
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220-95-016	REP-P	95-03-088	222-30-100	AMD-E	95-11-052	230-08-010	AMD-P	95-14-096
220-95-016	REP	95-07-012	222-30-100	AMD-C	95-14-028	230-08-010	AMD	95-19-069
220-95-018	NEW-P	95-03-088	222-30-100	AMD-E	95-19-012	230-08-070	AMD-P	95-04-039
220-95-018	NEW	95-07-012	222-38-020	AMD-C	95-04-073	230-08-070	AMD	95-07-093
220-95-021	REP-P	95-03-088	222-38-020	AMD-E	95-04-074	230-08-080	AMD-P	95-14-096
220-95-021	REP	95-07-012	222-38-020	AMD-E	95-11-052	230-08-080	PREP	95-18-029
220-95-022	NEW-P	95-03-088	222-38-020	AMD-C	95-14-028	230-08-095	AMD-P	95-14-096
220-95-022	NEW	95-07-012	222-38-020	AMD-E	95-19-012	230-08-095	AMD	95-19-069
220-95-026	REP-P	95-03-088	222-38-030	AMD-C	95-04-073	230-08-105	AMD-P	95-14-094
220-95-026	REP	95-07-012	222-38-030	AMD-E	95-04-074	230-08-105	AMD	95-19-070
220-95-027	NEW-P	95-03-088	222-38-030	AMD-E	95-11-052	230-08-110	NEW-P	95-14-096
220-95-027	NEW	95-07-012	222-38-030	AMD-C	95-14-028	230-08-110	NEW	95-19-069
220-95-031	REP-P	95-03-088	222-38-030	AMD-E	95-19-012	230-08-130	AMD-P	95-04-038
220-95-031	REP	95-07-012	230-02-010	AMD-P	95-04-043	230-08-130	AMD	95-07-094
220-95-032	NEW-P	95-03-088	230-02-010	AMD	95-07-095	230-08-160	AMD-P	95-04-038
220-95-032	NEW	95-07-012	230-02-125	REP-P	95-06-012	230-08-160	AMD	95-07-094
220-95-03200A	NEW-E	95-12-036	230-02-125	REP	95-09-061	230-12-020	AMD-P	95-14-096
222-10-030	NEW-C	95-04-073	230-02-183	AMD-P	95-04-039	230-12-020	AMD	95-19-069
222-10-030	NEW-C	95-14-028	230-02-183	AMD	95-07-093	230-12-030	PREP	95-19-034
222-10-040	NEW-C	95-04-073	230-02-210	AMD-P	95-14-095	230-12-040	AMD-P	95-04-039
222-10-040	NEW-C	95-14-028	230-02-210	AMD	95-19-071	230-12-040	AMD	95-07-093
222-16-010	AMD-C	95-04-073	230-02-240	AMD-P	95-04-037	230-12-075	REP-P	95-06-012
222-16-010	AMD-E	95-04-074	230-02-240	AMD-C	95-07-099	230-12-075	REP	95-09-061
222-16-010	AMD-E	95-11-052	230-02-240	AMD	95-09-062	230-12-079	NEW-P	95-04-037
222-16-010	AMD-C	95-14-028	230-02-250	AMD-P	95-14-094	230-12-079	NEW-C	95-07-099
222-16-010	AMD-E	95-19-012	230-02-250	AMD	95-19-070	230-12-079	NEW	95-09-062
222-16-075	NEW-C	95-04-073	230-02-300	PREP	95-19-034	230-20-070	AMD-P	95-04-037
222-16-075	NEW-C	95-14-028	230-02-350	AMD-P	95-04-038	230-20-070	AMD-C	95-07-099
222-16-080	AMD-C	95-04-073	230-02-350	AMD	95-07-094	230-20-070	AMD	95-09-062
222-16-080	AMD-E	95-04-074	230-02-360	AMD-P	95-04-038	230-20-070	PREP	95-18-029
222-16-080	AMD-E	95-11-052	230-02-360	AMD	95-07-094	230-20-090	AMD-P	95-07-111
222-16-080	AMD-C	95-14-028	230-02-370	AMD-P	95-04-038	230-20-090	AMD	95-12-051
222-16-080	AMD-E	95-19-012	230-02-370	AMD	95-07-094	230-20-130	AMD-P	95-06-010
222-21-010	NEW-C	95-04-073	230-02-380	AMD-P	95-04-038	230-20-130	AMD	95-09-064
222-21-010	NEW-C	95-14-028	230-02-380	AMD	95-07-094	230-20-170	AMD-P	95-07-111
222-21-020	NEW-C	95-04-073	230-02-418	AMD-P	95-04-037	230-20-170	AMD	95-12-051
222-21-020	NEW-C	95-14-028	230-02-418	AMD-C	95-07-099	230-20-170	PREP	95-18-029
222-21-030	NEW-C	95-04-073	230-02-418	AMD	95-09-062	230-20-190	AMD-P	95-07-111
222-21-030	NEW-C	95-14-028	230-04-075	AMD-P	95-07-111	230-20-190	AMD	95-12-051
222-21-040	NEW-C	95-04-073	230-04-075	AMD	95-12-051	230-20-220	AMD-P	95-07-111

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
230-20-220	AMD	95-12-051	232-28-02220	AMD	95-03-040	232-28-61900H	REP-E	95-16-094
230-20-240	AMD-P	95-14-094	232-28-02220	AMD-P	95-06-100	232-28-61940	REP-E	95-09-050
230-20-240	AMD	95-19-070	232-28-02220	AMD	95-11-035	232-28-61940	REP-P	95-14-134
230-20-300	AMD-P	95-04-039	232-28-02280	AMD	95-03-030	232-28-61940	REP	95-17-064
230-20-300	AMD	95-07-093	232-28-239	REP-P	95-06-099	232-28-61941	REP-E	95-09-050
230-20-325	AMD-P	95-04-039	232-28-239	REP	95-11-028	232-28-61941	REP-P	95-14-134
230-20-325	AMD	95-07-093	232-28-240	AMD	95-03-031	232-28-61941	REP	95-17-064
230-20-335	NEW-P	95-04-039	232-28-241	AMD	95-03-032	232-28-61942	REP-E	95-09-050
230-20-335	NEW	95-07-093	232-28-24100A	NEW-E	95-17-077	232-28-61942	REP-P	95-14-134
230-20-620	AMD-P	95-06-010	232-28-24102	NEW	95-03-035	232-28-61942	REP	95-17-064
230-20-620	AMD	95-09-064	232-28-24102	AMD-P	95-14-104	232-28-61945	REP-E	95-09-050
230-20-630	AMD-P	95-07-111	232-28-24102	AMD	95-18-069	232-28-61945	REP-P	95-14-134
230-20-630	AMD	95-12-051	232-28-242	AMD	95-03-033	232-28-61945	REP	95-17-064
230-25-055	AMD-P	95-07-111	232-28-243	REP-P	95-06-099	232-28-61946	REP-E	95-09-050
230-25-055	AMD	95-12-051	232-28-243	REP	95-11-028	232-28-61946	REP-P	95-14-134
230-25-070	AMD-P	95-07-111	232-28-244	REP-P	95-06-099	232-28-61946	REP	95-17-064
230-25-070	AMD	95-12-051	232-28-244	REP	95-11-028	232-28-61947	REP-E	95-09-050
230-25-330	AMD-P	95-07-111	232-28-245	REP-P	95-06-099	232-28-61947	REP-P	95-14-134
230-25-330	AMD	95-12-051	232-28-245	REP	95-11-028	232-28-61947	REP	95-17-064
230-30-050	PREP	95-19-034	232-28-246	NEW	95-03-036	232-28-61950	REP-E	95-09-050
230-30-065	PREP	95-19-034	232-28-246	AMD-P	95-06-107	232-28-61950	REP-P	95-14-134
230-30-070	PREP	95-19-034	232-28-246	AMD	95-11-037	232-28-61950	REP	95-17-064
230-30-080	PREP	95-19-034	232-28-24601	NEW-E	95-03-068	232-28-61951	REP-E	95-09-050
230-30-097	PREP	95-19-034	232-28-247	NEW	95-03-037	232-28-61951	REP-P	95-14-134
230-30-106	PREP	95-19-034	232-28-248	NEW	95-03-038	232-28-61951	REP	95-17-064
230-40-050	PREP	95-19-034	232-28-248	AMD-P	95-06-106	232-28-61952	NEW-W	95-03-066
230-40-125	PREP	95-19-034	232-28-248	AMD	95-11-036	232-28-61953	REP-E	95-09-050
230-40-200	PREP	95-19-034	232-28-249	NEW	95-03-039	232-28-61953	REP-P	95-14-134
230-40-310	PREP	95-19-034	232-28-250	NEW-P	95-06-097	232-28-61953	REP	95-17-064
230-40-400	AMD-E	95-05-070	232-28-250	NEW	95-11-034	232-28-61954	REP-E	95-09-050
230-40-400	AMD-P	95-06-011	232-28-251	NEW-P	95-06-098	232-28-61954	REP-P	95-14-134
230-40-400	AMD-C	95-09-060	232-28-251	NEW	95-11-038	232-28-61954	REP	95-17-064
230-40-400	AMD	95-13-024	232-28-252	NEW-P	95-06-102	232-28-61957	REP-E	95-09-050
230-40-400	PREP	95-19-034	232-28-252	NEW	95-11-033	232-28-61957	REP-P	95-14-134
230-46-010	AMD-P	95-07-111	232-28-253	NEW-P	95-06-101	232-28-61957	REP	95-17-064
230-46-010	AMD	95-12-051	232-28-253	NEW	95-11-032	236-12	PREP	95-11-130
230-48-010	NEW-E	95-07-065	232-28-254	NEW-P	95-06-103	236-12-015	AMD-P	95-13-107
230-48-010	NEW-P	95-07-096	232-28-254	NEW	95-11-031	236-12-015	AMD	95-16-107
230-48-010	NEW-C	95-12-048	232-28-255	NEW-P	95-06-105	236-12-360	AMD-P	95-13-107
230-48-010	NEW	95-13-032	232-28-255	NEW	95-11-029	236-12-360	AMD	95-16-107
230-50-010	AMD-C	95-04-040	232-28-256	NEW-P	95-06-104	236-12-361	AMD-P	95-13-107
230-50-010	AMD-C	95-06-013	232-28-256	NEW	95-11-030	236-12-361	AMD	95-16-107
230-50-010	AMD-C	95-07-097	232-28-257	NEW-P	95-06-096	236-12-362	AMD-P	95-13-107
230-50-010	AMD-C	95-12-054	232-28-257	NEW	95-11-027	236-12-362	AMD	95-16-107
230-50-010	AMD	95-13-030	232-28-258	NEW-P	95-14-105	236-15	PREP	95-11-131
232-12-001	AMD	95-05-008	232-28-258	NEW	95-18-070	236-15-010	NEW	95-05-044
232-12-018	NEW-P	95-14-134	232-28-259	NEW-P	95-14-129	236-15-010	REP-P	95-13-108
232-12-018	NEW	95-17-063	232-28-259	NEW	95-18-071	236-15-010	REP	95-16-106
232-12-019	AMD-P	95-14-134	232-28-418	REP-P	95-14-103	236-15-015	NEW	95-05-044
232-12-019	AMD	95-17-063	232-28-418	REP	95-18-068	236-15-015	REP-P	95-13-108
232-12-055	REP-P	95-14-100	232-28-419	NEW-P	95-14-103	236-15-015	REP	95-16-106
232-12-055	REP-W	95-18-064	232-28-419	NEW	95-18-068	236-15-050	NEW	95-05-044
232-12-068	NEW-P	95-14-106	232-28-514	AMD-P	95-14-102	236-15-050	REP-P	95-13-108
232-12-068	NEW	95-18-072	232-28-514	AMD	95-18-065	236-15-050	REP	95-16-106
232-12-131	AMD	95-03-034	232-28-619	AMD	95-05-008	236-15-100	NEW	95-05-044
232-12-151	AMD	95-05-008	232-28-619	AMD-P	95-06-093	236-15-100	REP-P	95-13-108
232-12-227	AMD	95-02-070	232-28-619	AMD	95-10-027	236-15-100	REP	95-16-106
232-12-287	AMD-P	95-06-095	232-28-619	AMD-P	95-14-134	236-15-200	NEW	95-05-044
232-12-287	AMD	95-10-026	232-28-619	AMD	95-19-011	236-15-200	REP-P	95-13-108
232-12-619	AMD	95-05-008	232-28-61900A	NEW-E	95-04-065	236-15-200	REP	95-16-106
232-12-619	AMD-P	95-14-134	232-28-61900B	NEW-E	95-07-018	236-15-300	NEW	95-05-044
232-12-619	AMD	95-17-063	232-28-61900B	REP-E	95-12-030	236-15-300	REP-P	95-13-108
232-12-61900A	NEW-E	95-04-065	232-28-61900B	REP-E	95-12-040	236-15-300	REP	95-16-106
232-16-380	AMD-P	95-14-107	232-28-61900C	NEW-E	95-09-050	236-15-700	NEW	95-05-044
232-16-380	AMD	95-18-066	232-28-61900C	REP-E	95-16-094	236-15-700	REP-P	95-13-108
232-28-02202	AMD	95-03-024	232-28-61900D	NEW-E	95-09-051	236-15-700	REP	95-16-106
232-28-02202	AMD-P	95-14-101	232-28-61900D	REP-E	95-16-094	236-15-800	NEW	95-05-044
232-28-02202	AMD	95-18-067	232-28-61900E	NEW-E	95-12-030	236-15-800	REP-P	95-13-108
232-28-02203	AMD	95-03-025	232-28-61900E	REP-E	95-12-040	236-15-800	REP	95-16-106
232-28-02204	AMD	95-03-026	232-28-61900F	NEW-E	95-12-040	236-15-900	NEW	95-05-044
232-28-02205	AMD	95-03-027	232-28-61900F	REP-E	95-16-094	236-15-900	REP-P	95-13-108
232-28-02206	AMD	95-03-028	232-28-61900G	NEW-E	95-14-063	236-15-900	REP	95-16-106
232-28-02210	AMD	95-03-029	232-28-61900H	NEW-E	95-16-094	240-10-030	AMD	95-09-025

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
240-10-040	AMD	95-09-025	245-03-120	NEW-W	95-12-047	245-03-840	NEW-W	95-07-034
243-01-010	NEW-P	95-17-112	245-03-140	NEW-P	95-06-075	245-03-840	NEW-W	95-12-047
243-01-020	NEW-P	95-17-112	245-03-140	NEW-W	95-07-037	245-03-860	NEW-P	95-06-074
243-01-030	NEW-P	95-17-112	245-03-140	NEW-W	95-12-047	245-03-860	NEW-W	95-07-034
243-01-040	NEW-P	95-17-112	245-03-160	NEW-P	95-06-075	245-03-860	NEW-W	95-12-047
243-01-050	NEW-P	95-17-112	245-03-160	NEW-W	95-07-037	245-03-880	NEW-P	95-06-074
243-01-060	NEW-P	95-17-112	245-03-160	NEW-W	95-12-047	245-03-880	NEW-W	95-07-034
243-01-070	NEW-P	95-17-112	245-03-180	NEW-P	95-06-075	245-03-880	NEW-W	95-12-047
243-01-080	NEW-P	95-17-112	245-03-180	NEW-W	95-07-037	245-04-010	NEW-P	95-06-077
243-01-090	NEW-P	95-17-112	245-03-180	NEW-W	95-12-047	245-04-010	NEW-W	95-07-033
243-01-100	NEW-P	95-17-112	245-03-200	NEW-P	95-06-075	245-04-010	NEW-W	95-12-047
243-01-110	NEW-P	95-17-112	245-03-200	NEW-W	95-07-037	245-04-020	NEW-P	95-06-077
243-01-120	NEW-P	95-17-112	245-03-200	NEW-W	95-12-047	245-04-020	NEW-W	95-07-033
243-01-130	NEW-P	95-17-112	245-03-220	NEW-P	95-06-075	245-04-020	NEW-W	95-12-047
243-01-140	NEW-P	95-17-112	245-03-220	NEW-W	95-07-037	245-04-025	NEW-P	95-06-077
243-01-150	NEW-P	95-17-112	245-03-220	NEW-W	95-12-047	245-04-025	NEW-W	95-07-033
245-01-010	DECOD	95-12-009	245-03-240	NEW-P	95-06-075	245-04-025	NEW-W	95-12-047
245-01-020	DECOD	95-12-009	245-03-240	NEW-W	95-07-037	245-04-030	NEW-P	95-06-077
245-01-030	DECOD	95-12-009	245-03-240	NEW-W	95-12-047	245-04-030	NEW-W	95-07-033
245-01-040	DECOD	95-12-009	245-03-260	NEW-P	95-06-075	245-04-030	NEW-W	95-12-047
245-01-050	DECOD	95-12-009	245-03-260	NEW-W	95-07-037	245-04-040	NEW-P	95-06-077
245-01-060	DECOD	95-12-009	245-03-260	NEW-W	95-12-047	245-04-040	NEW-W	95-07-033
245-01-070	DECOD	95-12-009	245-03-280	NEW-P	95-06-075	245-04-040	NEW-W	95-12-047
245-01-080	DECOD	95-12-009	245-03-280	NEW-W	95-07-037	245-04-050	NEW-P	95-06-077
245-01-090	DECOD	95-12-009	245-03-280	NEW-W	95-12-047	245-04-050	NEW-W	95-07-033
245-01-100	DECOD	95-12-009	245-03-300	NEW-P	95-06-075	245-04-050	NEW-W	95-12-047
245-01-110	DECOD	95-12-009	245-03-300	NEW-W	95-07-037	245-04-060	NEW-P	95-06-077
245-01-120	DECOD	95-12-009	245-03-300	NEW-W	95-12-047	245-04-060	NEW-W	95-07-033
245-01-130	DECOD	95-12-009	245-03-320	NEW-P	95-06-075	245-04-060	NEW-W	95-12-047
245-01-140	DECOD	95-12-009	245-03-320	NEW-W	95-07-037	245-04-070	NEW-P	95-06-077
245-01-150	DECOD	95-12-009	245-03-320	NEW-W	95-12-047	245-04-070	NEW-W	95-07-033
245-02-010	NEW	95-04-115	245-03-390	NEW-P	95-06-075	245-04-070	NEW-W	95-12-047
245-02-020	NEW	95-04-115	245-03-390	NEW-W	95-07-037	245-04-080	NEW-P	95-06-077
245-02-025	NEW	95-04-115	245-03-390	NEW-W	95-12-047	245-04-080	NEW-W	95-07-033
245-02-030	NEW	95-04-115	245-03-520	NEW-W	95-07-035	245-04-080	NEW-W	95-12-047
245-02-035	NEW	95-04-115	245-03-520	NEW-W	95-12-047	245-04-090	AMD-P	95-03-101
245-02-040	NEW	95-04-115	245-03-540	NEW-W	95-07-035	245-04-090	AMD	95-06-048
245-02-045	NEW	95-04-115	245-03-540	NEW-W	95-12-047	245-04-090	DECOD	95-12-009
245-02-050	NEW	95-04-115	245-03-560	NEW-W	95-07-035	245-04-100	AMD-P	95-03-101
245-02-100	NEW	95-04-112	245-03-560	NEW-W	95-12-047	245-04-100	AMD	95-06-048
245-02-110	NEW	95-04-112	245-03-580	NEW-W	95-07-035	245-04-100	DECOD	95-12-009
245-02-115	NEW	95-04-112	245-03-580	NEW-W	95-12-047	245-04-110	AMD-P	95-03-101
245-02-120	NEW	95-04-112	245-03-610	NEW-P	95-06-076	245-04-110	AMD	95-06-048
245-02-125	NEW	95-04-112	245-03-610	NEW-W	95-12-047	245-04-110	DECOD	95-12-009
245-02-130	NEW	95-04-112	245-03-620	NEW-P	95-06-076	245-04-115	AMD-P	95-03-101
245-02-131	NEW	95-04-112	245-03-620	NEW-W	95-07-036	245-04-115	AMD	95-06-048
245-02-135	NEW	95-04-112	245-03-620	NEW-W	95-12-047	245-04-115	DECOD	95-12-009
245-02-140	NEW	95-04-112	245-03-630	NEW-P	95-06-076	245-04-125	NEW-P	95-04-113
245-02-145	NEW	95-04-112	245-03-630	NEW-W	95-12-047	245-04-125	NEW-W	95-12-047
245-02-150	NEW	95-04-112	245-03-640	NEW-P	95-06-076	245-04-130	NEW-P	95-04-113
245-02-155	NEW	95-04-112	245-03-640	NEW-W	95-07-036	245-04-130	NEW-W	95-12-047
245-02-160	NEW	95-04-112	245-03-640	NEW-W	95-12-047	245-04-135	NEW-P	95-04-113
245-02-165	NEW	95-04-112	245-03-650	NEW-P	95-06-076	245-04-135	NEW-W	95-12-047
245-02-170	NEW	95-04-112	245-03-650	NEW-W	95-07-036	245-04-140	NEW-P	95-04-113
245-02-175	NEW	95-04-112	245-03-650	NEW-W	95-12-047	245-04-140	NEW-W	95-12-047
245-02-180	NEW	95-04-112	245-03-660	NEW-P	95-06-076	245-04-145	NEW-P	95-04-113
245-03-010	NEW-P	95-06-075	245-03-660	NEW-W	95-07-036	245-04-145	NEW-W	95-12-047
245-03-010	NEW-W	95-07-037	245-03-660	NEW-W	95-12-047	245-04-150	NEW-P	95-04-113
245-03-010	NEW-W	95-12-047	245-03-670	NEW-P	95-06-076	245-04-150	NEW-W	95-12-047
245-03-020	NEW-P	95-06-075	245-03-670	NEW-W	95-12-047	245-04-155	NEW-P	95-04-113
245-03-020	NEW-W	95-07-037	245-03-680	NEW-P	95-06-076	245-04-155	NEW-W	95-12-047
245-03-020	NEW-W	95-12-047	245-03-680	NEW-W	95-07-036	245-04-160	NEW-P	95-04-113
245-03-040	NEW-P	95-06-075	245-03-680	NEW-W	95-12-047	245-04-160	NEW-W	95-12-047
245-03-040	NEW-W	95-07-037	245-03-810	NEW-P	95-06-074	245-04-165	NEW-P	95-04-113
245-03-040	NEW-W	95-12-047	245-03-810	NEW-W	95-07-034	245-04-165	NEW-W	95-12-047
245-03-050	NEW-P	95-06-075	245-03-810	NEW-W	95-12-047	245-04-170	NEW-P	95-04-113
245-03-050	NEW-W	95-07-037	245-03-820	NEW-P	95-06-074	245-04-170	NEW-W	95-12-047
245-03-050	NEW-W	95-12-047	245-03-820	NEW-W	95-07-034	245-04-175	NEW-P	95-04-113
245-03-080	NEW-P	95-06-075	245-03-820	NEW-W	95-12-047	245-04-175	NEW-W	95-12-047
245-03-080	NEW-W	95-07-037	245-03-830	NEW-P	95-06-074	245-04-180	NEW-P	95-04-113
245-03-080	NEW-W	95-12-047	245-03-830	NEW-W	95-07-034	245-04-180	NEW-W	95-12-047
245-03-120	NEW-P	95-06-075	245-03-830	NEW-W	95-12-047	245-04-185	NEW-P	95-04-113
245-03-120	NEW-W	95-07-037	245-03-840	NEW-P	95-06-074	245-04-185	NEW-W	95-12-047

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245-04-190	NEW-W	95-12-047	246-170-011	NEW	95-04-035	246-322-140	NEW-P	95-12-096
245-04-195	NEW-P	95-04-113	246-170-020	REP	95-04-035	246-322-150	NEW-P	95-12-096
245-04-195	NEW-W	95-12-047	246-170-021	NEW	95-04-035	246-322-160	NEW-P	95-12-096
245-04-200	NEW-P	95-06-079	246-170-030	REP	95-04-035	246-322-170	NEW-P	95-12-096
245-04-200	NEW-W	95-07-032	246-170-031	NEW	95-04-035	246-322-180	NEW-P	95-12-096
245-04-200	NEW-W	95-12-047	246-170-040	REP	95-04-035	246-322-190	NEW-P	95-12-096
245-04-210	NEW-P	95-06-079	246-170-041	NEW	95-04-035	246-322-200	NEW-P	95-12-096
245-04-210	NEW-W	95-07-032	246-170-050	REP	95-04-035	246-322-210	NEW-P	95-12-096
245-04-210	NEW-W	95-12-047	246-170-051	NEW	95-04-035	246-322-220	NEW-P	95-12-096
245-04-220	NEW-P	95-06-079	246-170-055	NEW	95-04-035	246-322-230	NEW-P	95-12-096
245-04-220	NEW-W	95-07-032	246-170-060	REP	95-04-035	246-322-240	NEW-P	95-12-096
245-04-220	NEW-W	95-12-047	246-170-061	NEW	95-04-035	246-316-250	NEW-P	95-12-096
245-04-230	NEW-P	95-06-079	246-170-065	NEW	95-04-035	246-322-500	NEW-P	95-12-096
245-04-230	NEW-W	95-07-032	246-170-070	REP	95-04-035	246-322-990	AMD-P	95-09-059
245-04-230	NEW-W	95-12-047	246-170-080	REP	95-04-035	246-322-990	AMD	95-12-097
245-04-240	NEW-P	95-06-079	246-170-090	REP	95-04-035	246-322-991	AMD-P	95-09-059
245-04-240	NEW-W	95-07-032	246-249-020	AMD-P	95-04-100	246-322-991	REP-P	95-12-096
245-04-240	NEW-W	95-12-047	246-249-020	AMD	95-13-094	246-322-991	AMD	95-12-097
245-04-300	NEW-P	95-06-078	246-249-080	AMD-P	95-04-100	246-323	PREP	95-07-073
245-04-300	NEW-W	95-07-031	246-249-080	AMD	95-13-094	246-323-990	AMD-P	95-09-059
245-04-300	NEW-W	95-12-047	246-254	PREP	95-05-058	246-323-990	AMD	95-12-097
245-04-310	NEW-P	95-06-078	246-254-053	AMD-P	95-08-066	246-324-001	NEW-P	95-12-094
245-04-310	NEW-W	95-07-031	246-254-053	AMD	95-12-004	246-324-010	NEW-P	95-12-094
245-04-310	NEW-W	95-12-047	246-254-070	AMD-P	95-08-066	246-324-020	NEW-P	95-12-094
245-04-320	NEW-P	95-06-078	246-254-070	AMD	95-12-004	246-324-025	NEW-P	95-12-094
245-04-320	NEW-W	95-07-031	246-254-080	AMD-P	95-08-066	246-324-030	NEW-P	95-12-094
245-04-320	NEW-W	95-12-047	246-254-080	AMD	95-12-004	246-324-035	NEW-P	95-12-094
245-04-330	NEW-P	95-06-078	246-254-090	AMD-P	95-08-066	246-324-040	NEW-P	95-12-094
245-04-330	NEW-W	95-07-031	246-254-090	AMD	95-12-004	246-324-050	NEW-P	95-12-094
245-04-330	NEW-W	95-12-047	246-254-100	AMD-P	95-08-066	246-324-060	NEW-P	95-12-094
245-04-340	NEW-P	95-06-078	246-254-100	AMD	95-12-004	246-324-100	NEW-P	95-12-094
245-04-340	NEW-W	95-07-031	246-254-120	AMD-P	95-08-066	246-324-120	NEW-P	95-12-094
245-04-340	NEW-W	95-12-047	246-254-120	AMD	95-12-004	246-324-140	NEW-P	95-12-094
245-04-350	NEW-P	95-06-078	246-255	PREP	95-05-058	246-324-150	NEW-P	95-12-094
245-04-350	NEW-W	95-07-031	246-272-25001	AMD-P	95-04-034	246-324-160	NEW-P	95-12-094
245-04-350	NEW-W	95-12-047	246-272-25001	AMD	95-09-018	246-324-170	NEW-P	95-12-094
245-08-010	NEW-P	95-04-114	246-290-990	PREP	95-05-059	246-324-180	NEW-P	95-12-094
245-08-010	NEW-W	95-07-030	246-290-990	AMD-P	95-15-108	246-324-190	NEW-P	95-12-094
245-08-010	NEW-W	95-12-047	246-291	PREP	95-09-017	246-324-200	NEW-P	95-12-094
245-08-020	NEW-P	95-04-114	246-291-010	AMD-P	95-15-107	246-324-210	NEW-P	95-12-094
245-08-020	NEW-W	95-07-030	246-291-020	AMD-P	95-15-107	246-324-220	NEW-P	95-12-094
245-08-020	NEW-W	95-12-047	246-291-025	AMD-P	95-15-107	246-324-230	NEW-P	95-12-094
245-08-030	NEW-P	95-04-114	246-291-030	AMD-P	95-15-107	246-324-240	NEW-P	95-12-094
245-08-030	NEW-W	95-07-030	246-291-100	AMD-P	95-15-107	246-324-250	NEW-P	95-12-094
245-08-030	NEW-W	95-12-047	246-291-110	AMD-P	95-15-107	246-324-500	NEW-P	95-12-094
245-08-040	NEW-P	95-04-114	246-291-130	AMD-P	95-15-107	246-324-990	NEW-P	95-12-094
245-08-040	NEW-W	95-07-030	246-291-140	AMD-P	95-15-107	246-325	PREP	95-07-073
245-08-040	NEW-W	95-12-047	246-314	PREP	95-07-073	246-325-990	AMD-P	95-09-059
245-08-050	NEW-P	95-04-114	246-314-990	AMD-P	95-09-059	246-325-990	AMD	95-12-097
245-08-050	NEW-W	95-07-030	246-314-990	AMD	95-12-097	246-326	PREP	95-07-073
245-08-050	NEW-W	95-12-047	246-316	PREP	95-07-073	246-326-990	AMD-P	95-09-059
246-01-040	AMD-P	95-07-054	246-316-990	AMD-P	95-09-059	246-326-990	AMD	95-12-097
246-01-040	AMD	95-10-043	246-316-990	AMD	95-12-097	246-327	PREP	95-07-073
246-01-080	AMD-P	95-07-054	246-318	PREP	95-07-073	246-327-990	AMD-P	95-09-059
246-01-080	AMD	95-10-043	246-318-990	AMD-P	95-09-059	246-327-990	AMD	95-12-097
246-08-400	NEW-E	95-14-108	246-318-990	AMD	95-12-097	246-331	PREP	95-07-073
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246-100-166	PREP	95-05-012	246-322-001	NEW-P	95-12-096	246-331-990	AMD	95-12-097
246-100-236	AMD-S	95-08-026	246-322-010	AMD-P	95-12-096	246-336	PREP	95-07-073
246-100-236	AMD	95-13-037	246-322-020	AMD-P	95-12-096	246-336-990	AMD-P	95-09-059
246-130	AMD-P	95-15-109	246-322-025	NEW-P	95-12-096	246-336-990	AMD	95-12-097
246-130-001	AMD-P	95-15-109	246-322-030	NEW-P	95-12-096	246-358	PREP	95-11-072
246-130-010	AMD-P	95-15-109	246-322-035	NEW-P	95-12-096	246-358-001	AMD-E	95-13-093
246-130-020	AMD-P	95-15-109	246-322-040	AMD-P	95-12-096	246-358-010	AMD-E	95-08-018
246-130-030	AMD-P	95-15-109	246-322-050	AMD-P	95-12-096	246-358-010	AMD-E	95-13-093
246-130-040	AMD-P	95-15-109	246-322-060	AMD-P	95-12-096	246-358-020	AMD-E	95-08-018
246-130-050	REP-P	95-15-109	246-322-070	REP-P	95-12-096	246-358-020	AMD-E	95-13-093
246-130-060	AMD-P	95-15-109	246-322-080	REP-P	95-12-096	246-358-025	AMD-E	95-13-092
246-130-070	AMD-P	95-15-109	246-322-090	REP-P	95-12-096	246-358-030	AMD-E	95-13-092
246-170	AMD	95-04-035	246-322-100	AMD-P	95-12-096	246-358-045	AMD-E	95-13-093
246-170-001	REP	95-04-035	246-322-110	REP-P	95-12-096	246-358-055	AMD-E	95-13-093
246-170-002	NEW	95-04-035	246-322-120	AMD-P	95-12-096	246-358-065	AMD-E	95-13-093

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246-358-085	AMD-E	95-08-018	246-812-320	NEW-P	95-15-110	246-815-070	AMD	95-16-102
246-358-085	AMD-E	95-13-093	246-812-320	NEW	95-17-046	246-815-100	AMD-P	95-13-110
246-358-090	NEW-E	95-13-093	246-812-330	NEW-E	95-09-029	246-815-100	AMD	95-16-102
246-358-095	AMD-E	95-13-093	246-812-330	NEW-P	95-15-110	246-815-990	AMD-P	95-13-110
246-358-100	NEW-E	95-13-093	246-812-330	NEW	95-17-046	246-815-990	AMD	95-16-102
246-358-105	REP-E	95-13-093	246-812-340	NEW-E	95-09-029	246-816-015	REP-P	95-12-068
246-358-115	REP-E	95-13-093	246-812-340	NEW-P	95-15-110	246-816-020	REP-P	95-12-068
246-358-125	AMD-E	95-13-093	246-812-340	NEW	95-17-046	246-816-030	REP-P	95-12-068
246-358-135	AMD-E	95-13-093	246-812-350	NEW-E	95-09-029	246-816-040	REP-P	95-12-068
246-358-140	AMD-E	95-08-018	246-812-350	NEW-P	95-15-110	246-816-050	REP-P	95-12-068
246-358-140	AMD-E	95-13-093	246-812-350	NEW	95-17-046	246-816-060	REP-P	95-12-068
246-358-145	AMD-E	95-13-093	246-812-360	NEW-E	95-09-029	246-816-070	REP-P	95-12-068
246-358-155	AMD-E	95-13-093	246-812-360	NEW-P	95-15-110	246-816-075	REP-P	95-12-068
246-358-175	AMD-E	95-13-093	246-812-360	NEW	95-17-046	246-816-080	REP-P	95-12-068
246-380	PREP	95-07-073	246-812-390	NEW-E	95-09-029	246-816-090	REP-P	95-12-068
246-430	PREP	95-12-005	246-812-390	NEW-P	95-15-110	246-816-100	REP-P	95-12-068
246-430-010	PREP	95-12-005	246-812-390	NEW	95-17-046	246-816-110	REP-P	95-12-068
246-430-030	PREP	95-12-005	246-812-400	NEW-E	95-09-029	246-816-120	REP-P	95-12-068
246-430-040	PREP	95-12-005	246-812-400	NEW-P	95-15-110	246-816-130	REP-P	95-12-068
246-560-001	PREP	95-06-073	246-812-400	NEW	95-17-046	246-816-140	REP-P	95-12-068
246-560-010	PREP	95-06-073	246-812-410	NEW-E	95-09-029	246-816-150	REP-P	95-12-068
246-560-015	PREP	95-06-073	246-812-410	NEW-P	95-15-110	246-816-201	REP-P	95-12-068
246-560-020	PREP	95-06-073	246-812-410	NEW	95-17-046	246-816-210	REP-P	95-12-068
246-560-030	PREP	95-06-073	246-812-420	NEW-E	95-09-029	246-816-220	REP-P	95-12-068
246-560-040	PREP	95-06-073	246-812-420	NEW-P	95-15-110	246-816-225	REP-P	95-12-068
246-560-050	PREP	95-06-073	246-812-420	NEW	95-17-046	246-816-230	REP-P	95-12-068
246-560-060	PREP	95-06-073	246-812-430	NEW-E	95-09-029	246-816-240	REP-P	95-12-068
246-560-070	PREP	95-06-073	246-812-430	NEW-P	95-15-110	246-816-250	REP-P	95-12-068
246-560-080	PREP	95-06-073	246-812-430	NEW	95-17-046	246-816-260	REP-P	95-12-068
246-560-090	PREP	95-06-073	246-812-440	NEW-E	95-09-029	246-816-301	REP-P	95-12-068
246-560-100	PREP	95-06-073	246-812-440	NEW-P	95-15-110	246-816-310	REP-P	95-12-068
246-780	PREP	95-07-055	246-812-440	NEW	95-17-046	246-816-320	REP-P	95-12-068
246-812	PREP	95-06-017	246-812-450	NEW-E	95-09-029	246-816-330	REP-P	95-12-068
246-812-001	NEW-E	95-09-029	246-812-450	NEW-P	95-15-110	246-816-340	REP-P	95-12-068
246-812-001	NEW-P	95-15-110	246-812-450	NEW	95-17-046	246-816-350	REP-P	95-12-068
246-812-001	NEW	95-17-046	246-812-460	NEW-E	95-09-029	246-816-360	REP-P	95-12-068
246-812-010	NEW-E	95-09-029	246-812-460	NEW-P	95-15-110	246-816-370	REP-P	95-12-068
246-812-010	NEW-P	95-15-110	246-812-460	NEW	95-17-046	246-816-380	REP-P	95-12-068
246-812-010	NEW	95-17-046	246-812-501	NEW-E	95-09-029	246-816-390	REP-P	95-12-068
246-812-015	NEW-E	95-09-029	246-812-501	NEW-P	95-15-110	246-816-400	REP-P	95-12-068
246-812-015	NEW-P	95-15-110	246-812-501	NEW	95-17-046	246-816-410	REP-P	95-12-068
246-812-015	NEW	95-17-046	246-812-510	NEW-E	95-09-029	246-816-501	REP-P	95-12-068
246-812-101	NEW-E	95-09-029	246-812-510	NEW-P	95-15-110	246-816-510	REP-P	95-12-068
246-812-101	NEW-P	95-15-110	246-812-510	NEW	95-17-046	246-816-520	REP-P	95-12-068
246-812-101	NEW	95-17-046	246-812-520	NEW-E	95-09-029	246-816-530	REP-P	95-12-068
246-812-120	NEW-E	95-09-029	246-812-520	NEW-P	95-15-110	246-816-701	REP-P	95-12-068
246-812-120	NEW-P	95-15-110	246-812-520	NEW	95-17-046	246-816-710	REP-P	95-12-068
246-812-120	NEW	95-17-046	246-812-601	NEW-E	95-09-029	246-816-720	REP-P	95-12-068
246-812-125	NEW-E	95-09-029	246-812-601	NEW-P	95-15-110	246-816-730	REP-P	95-12-068
246-812-125	NEW-P	95-15-110	246-812-601	NEW	95-17-046	246-816-740	REP-P	95-12-068
246-812-125	NEW	95-17-046	246-812-610	NEW-E	95-09-029	246-816-990	REP-P	95-12-067
246-812-130	NEW-E	95-09-029	246-812-610	NEW-P	95-15-110	246-816-990	REP-P	95-12-068
246-812-130	NEW-P	95-15-110	246-812-610	NEW	95-17-046	246-816-990	REP	95-16-122
246-812-130	NEW	95-17-046	246-812-620	NEW-E	95-09-029	246-817-001	NEW-P	95-12-068
246-812-140	NEW-E	95-09-029	246-812-620	NEW-P	95-15-110	246-817-010	NEW-P	95-12-068
246-812-140	NEW-P	95-15-110	246-812-620	NEW	95-17-046	246-817-015	NEW-P	95-12-068
246-812-140	NEW	95-17-046	246-812-630	NEW-E	95-09-029	246-817-101	NEW-P	95-12-068
246-812-150	NEW-E	95-09-029	246-812-630	NEW-P	95-15-110	246-817-110	NEW-P	95-12-068
246-812-150	NEW-P	95-15-110	246-812-630	NEW	95-17-046	246-817-120	NEW-P	95-12-068
246-812-150	NEW	95-17-046	246-812-990	NEW-E	95-09-029	246-817-130	NEW-P	95-12-068
246-812-155	NEW-E	95-09-029	246-812-990	NEW-P	95-15-110	246-817-135	NEW-P	95-12-068
246-812-155	NEW-P	95-15-110	246-812-990	NEW	95-17-046	246-817-140	NEW-P	95-12-068
246-812-155	NEW	95-17-046	246-815	PREP	95-12-020	246-817-150	NEW-P	95-12-068
246-812-160	NEW-E	95-09-029	246-815-020	AMD-P	95-13-110	246-817-160	NEW-P	95-12-068
246-812-160	NEW-P	95-15-110	246-815-020	AMD	95-16-102	246-817-170	NEW-P	95-12-068
246-812-160	NEW	95-17-046	246-815-050	AMD-P	95-03-018	246-817-175	NEW-P	95-12-068
246-812-170	NEW-E	95-09-029	246-815-050	AMD	95-07-003	246-817-180	NEW-P	95-12-068
246-812-170	NEW-P	95-15-110	246-815-050	AMD-P	95-13-110	246-817-185	NEW-P	95-12-068
246-812-170	NEW	95-17-046	246-815-050	AMD	95-16-102	246-817-186	NEW-P	95-12-068
246-812-301	NEW-E	95-09-029	246-815-060	AMD-P	95-13-110	246-817-201	NEW-P	95-12-068
246-812-301	NEW-P	95-15-110	246-815-060	AMD	95-16-102	246-817-210	NEW-P	95-12-068
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246-817-320	NEW-P	95-12-068	246-828-295	NEW-P	95-11-111	246-838-240	REP-P	95-12-095
246-817-330	NEW-P	95-12-068	246-828-295	NEW	95-19-017	246-838-990	PREP	95-04-069
246-817-340	NEW-P	95-12-068	246-828-300	AMD-P	95-11-111	246-838-990	REP-P	95-08-049
246-817-350	NEW-P	95-12-068	246-828-300	AMD	95-19-017	246-838-990	REP	95-12-021
246-817-360	NEW-P	95-12-068	246-828-320	AMD-P	95-11-111	246-839-030	PREP	95-09-058
246-817-370	NEW-P	95-12-068	246-828-320	AMD	95-19-017	246-839-080	PREP	95-06-018
246-817-380	NEW-P	95-12-068	246-828-360	AMD-P	95-11-111	246-839-090	PREP	95-06-018
246-817-390	NEW-P	95-12-068	246-828-360	AMD	95-19-017	246-839-090	PREP	95-09-058
246-817-400	NEW-P	95-12-068	246-828-370	AMD-P	95-11-111	246-839-505	REP-P	95-12-095
246-817-410	NEW-P	95-12-068	246-828-370	AMD	95-19-017	246-839-506	REP-P	95-12-095
246-817-420	NEW-P	95-12-068	246-828-400	AMD-P	95-11-111	246-839-525	REP-P	95-12-095
246-817-430	NEW-P	95-12-068	246-828-400	AMD	95-19-017	246-839-530	REP-P	95-12-095
246-817-501	NEW-P	95-12-068	246-828-410	AMD-P	95-11-111	246-839-535	REP-P	95-12-095
246-817-510	NEW-P	95-12-068	246-828-410	AMD	95-19-017	246-839-540	REP-P	95-12-095
246-817-520	NEW-P	95-12-068	246-828-530	AMD-P	95-11-111	246-839-545	REP-P	95-12-095
246-817-530	NEW-P	95-12-068	246-828-530	AMD	95-19-017	246-839-550	REP-P	95-12-095
246-817-540	NEW-P	95-12-068	246-828-550	AMD-P	95-11-111	246-839-555	REP-P	95-12-095
246-817-550	NEW-P	95-12-068	246-828-550	AMD	95-19-017	246-839-560	REP-P	95-12-095
246-817-560	NEW-P	95-12-068	246-828-560	AMD-P	95-11-111	246-839-565	REP-P	95-12-095
246-817-570	NEW-P	95-12-068	246-828-560	AMD	95-19-017	246-839-570	REP-P	95-12-095
246-817-601	NEW-P	95-12-068	246-828-990	AMD-P	95-11-111	246-839-575	PREP	95-09-058
246-817-610	NEW-P	95-12-068	246-828-990	AMD	95-19-017	246-839-575	REP-P	95-12-095
246-817-620	NEW-P	95-12-068	246-830-005	NEW-P	95-07-013	246-839-990	PREP	95-04-069
246-817-630	NEW-P	95-12-068	246-830-005	NEW	95-11-108	246-839-990	REP-P	95-08-049
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246-817-730	NEW-P	95-12-068	246-830-220	AMD-E	95-15-009	246-840-510	NEW-P	95-12-095
246-817-740	NEW-P	95-12-068	246-830-230	AMD-P	95-07-013	246-840-520	NEW-P	95-12-095
246-817-750	NEW-P	95-12-068	246-830-230	AMD	95-11-108	246-840-525	NEW-P	95-12-095
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246-817-990	NEW-P	95-12-067	246-830-401	AMD	95-11-108	246-840-570	NEW-P	95-12-095
246-817-990	NEW	95-16-122	246-830-410	REP-P	95-07-013	246-840-575	NEW-P	95-12-095
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246-818-100	REP-P	95-12-068	246-830-440	AMD-P	95-07-013	246-851-070	REP-P	95-11-110
246-818-120	REP-P	95-12-068	246-830-440	AMD	95-11-108	246-851-070	REP	95-14-114
246-818-130	REP-P	95-12-068	246-830-450	AMD-P	95-07-013	246-851-080	REP-P	95-11-110
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246-818-143	REP-P	95-12-068	246-830-475	AMD	95-11-108	246-851-490	AMD	95-14-114
246-818-150	REP-P	95-12-068	246-830-475	AMD-E	95-15-009	246-851-500	AMD-P	95-11-110
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246-924-250	PREP	95-09-028	251-04-060	AMD	95-19-099	284-13-130	REP	95-19-018
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356-10-020	AMD	95-19-054	358-30-020	AMD-P	95-03-054	365-210-080	NEW	95-14-121
356-14-110	AMD-E	95-14-055	358-30-020	AMD	95-07-074	374-50-010	AMD-E	95-08-039
356-14-110	AMD-P	95-14-130	358-30-022	NEW-P	95-03-054	374-50-010	AMD-P	95-08-040
356-14-110	AMD	95-19-054	358-30-022	NEW	95-07-074	374-50-010	AMD	95-11-042
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374-50-030	AMD-P	95-08-040	388-15-915	NEW	95-15-011	388-47-120	AMD	95-18-020
374-50-030	AMD	95-11-042	388-15-920	NEW-P	95-11-005	388-47-120	REP	95-19-075
374-50-035	NEW-E	95-08-039	388-15-920	NEW-C	95-14-050	388-47-125	AMD-P	95-14-078
374-50-035	NEW-P	95-08-040	388-15-920	NEW	95-15-011	388-47-125	AMD-E	95-14-079
374-50-035	NEW	95-11-042	388-15-925	NEW-P	95-11-005	388-47-125	REP-P	95-15-001
374-50-040	AMD-E	95-08-039	388-15-925	NEW-C	95-14-050	388-47-125	AMD	95-18-020
374-50-040	AMD-P	95-08-040	388-15-925	NEW	95-15-011	388-47-125	REP	95-19-075
374-50-040	AMD	95-11-042	388-15-935	NEW-P	95-11-005	388-47-127	AMD-P	95-14-078
374-50-050	AMD-E	95-08-039	388-15-935	NEW-C	95-14-050	388-47-127	AMD-E	95-14-079
374-50-050	AMD-P	95-08-040	388-15-935	NEW	95-15-011	388-47-127	REP-P	95-15-001
374-50-050	AMD	95-11-042	388-15-940	NEW-P	95-11-005	388-47-127	AMD	95-18-020
374-50-060	AMD-E	95-08-039	388-15-940	NEW-C	95-14-050	388-47-127	REP	95-19-075
374-50-060	AMD-P	95-08-040	388-15-940	NEW	95-15-011	388-47-130	AMD-P	95-14-078
374-50-060	AMD	95-11-042	388-15-945	NEW-P	95-11-005	388-47-130	AMD-E	95-14-079
374-50-070	AMD-E	95-08-039	388-15-945	NEW-C	95-14-050	388-47-130	REP-P	95-15-001
374-50-070	AMD-P	95-08-040	388-15-945	NEW	95-15-011	388-47-130	AMD	95-18-020
374-50-070	AMD	95-11-042	388-15-950	NEW-P	95-11-005	388-47-130	REP	95-19-075
374-50-080	AMD-E	95-08-039	388-15-950	NEW-C	95-14-050	388-47-135	AMD-P	95-14-078
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374-50-080	AMD	95-11-042	388-15-955	NEW-P	95-11-005	388-47-135	REP-P	95-15-001
374-50-090	AMD-E	95-08-039	388-15-955	NEW-C	95-14-050	388-47-135	AMD	95-18-020
374-50-090	AMD-P	95-08-040	388-15-955	NEW	95-15-011	388-47-135	REP	95-19-075
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381-70-400	AMD	95-06-008	388-43-130	NEW	95-03-049	388-47-200	REP	95-19-075
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388-11	PREP	95-16-010	388-46	AMD-E	95-16-019	388-47-210	REP	95-19-075
388-14	PREP	95-15-010	388-46	AMD	95-19-003	388-47-215	REP-P	95-15-001
388-15	PREP	95-09-053	388-46-110	PREP	95-14-039	388-47-215	REP	95-19-075
388-15	PREP	95-10-033	388-46-110	NEW-P	95-16-017	388-47-220	REP-P	95-15-001
388-15	PREP	95-12-032	388-46-110	NEW-E	95-16-019	388-47-220	REP	95-19-075
388-15	PREP	95-13-041	388-46-110	NEW	95-19-003	388-47-300	REP-P	95-15-001
388-15	PREP	95-18-045	388-47	PREP	95-12-078	388-47-300	REP	95-19-075
388-15-192	NEW-P	95-16-016	388-47-010	REP-P	95-15-001	388-49-020	AMD	95-06-028
388-15-194	NEW-P	95-16-016	388-47-010	REP	95-19-075	388-49-020	PREP	95-14-006
388-15-196	NEW-P	95-16-016	388-47-020	REP-P	95-15-001	388-49-020	AMD-P	95-15-058
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388-15-207	AMD-P	95-16-016	388-47-050	REP-P	95-15-001	388-49-110	AMD-P	95-09-034
388-15-208	REP-P	95-16-016	388-47-050	AMD	95-18-020	388-49-110	AMD	95-11-123
388-15-209	AMD-P	95-16-016	388-47-050	REP	95-19-075	388-49-150	PREP	95-14-118
388-15-212	REP-P	95-16-016	388-47-060	NEW-P	95-14-078	388-49-150	AMD-P	95-15-059
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388-15-214	AMD-P	95-16-016	388-47-060	NEW	95-18-020	388-49-160	AMD	95-06-030
388-15-215	AMD-P	95-16-016	388-47-060	REP	95-19-075	388-49-170	PREP	95-14-118
388-15-216	AMD-P	95-16-016	388-47-070	AMD-P	95-14-078	388-49-170	AMD-P	95-15-059
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388-15-222	NEW-P	95-16-016	388-47-070	REP-P	95-15-001	388-49-190	AMD	95-06-027
388-15-610	AMD-P	95-16-016	388-47-070	AMD	95-18-020	388-49-190	PREP	95-06-025
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388-15-620	AMD-P	95-16-016	388-47-100	REP-P	95-15-001	388-49-190	AMD	95-12-001
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388-15-870	REP-P	95-16-016	388-47-107	REP	95-19-075	388-49-410	AMD	95-06-031
388-15-880	AMD-P	95-16-016	388-47-110	AMD-P	95-14-078	388-49-420	AMD-P	95-03-045
388-15-890	AMD-P	95-16-016	388-47-110	AMD-E	95-14-079	388-49-420	AMD	95-06-032
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388-15-900	NEW-C	95-14-050	388-47-110	AMD	95-18-020	388-49-430	AMD	95-06-031
388-15-900	NEW	95-15-011	388-47-110	REP	95-19-075	388-49-430	PREP	95-19-004
388-15-905	NEW-P	95-11-005	388-47-115	AMD-P	95-14-078	388-49-480	PREP	95-04-013
388-15-905	NEW-C	95-14-050	388-47-115	AMD-E	95-14-079	388-49-480	AMD-P	95-05-013
388-15-905	NEW	95-15-011	388-47-115	REP-P	95-15-001	388-49-480	AMD	95-07-122
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388-15-910	NEW-C	95-14-050	388-47-115	REP	95-19-075	388-49-500	AMD-P	95-09-004
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388-49-505	AMD-P	95-09-003	388-73-118	AMD-S	95-07-024	388-73-375	NEW-P	95-19-077
388-49-505	AMD	95-11-121	388-73-118	AMD-W	95-11-051	388-73-377	NEW-E	95-19-076
388-49-505	PREP	95-17-051	388-73-144	AMD-S	95-07-024	388-73-377	NEW-P	95-19-077
388-49-505	AMD-P	95-18-031	388-73-144	AMD-W	95-11-051	388-73-379	NEW-E	95-19-076
388-49-510	PREP	95-17-051	388-73-146	AMD-S	95-07-024	388-73-379	NEW-P	95-19-077
388-49-510	AMD-P	95-18-031	388-73-146	AMD-W	95-11-051	388-73-381	NEW-E	95-19-076
388-49-550	PREP	95-17-097	388-73-146	AMD-E	95-19-076	388-73-381	NEW-P	95-19-077
388-49-550	AMD-P	95-18-035	388-73-146	AMD-P	95-19-077	388-73-383	NEW-E	95-19-076
388-49-600	PREP	95-14-007	388-73-200	AMD-S	95-07-024	388-73-383	NEW-P	95-19-077
388-49-600	AMD-P	95-15-057	388-73-200	AMD-W	95-11-051	388-73-385	NEW-E	95-19-076
388-49-600	AMD	95-18-003	388-73-212	AMD-S	95-07-024	388-73-385	NEW-P	95-19-077
388-49-640	PREP	95-14-006	388-73-212	AMD-W	95-11-051	388-73-387	NEW-E	95-19-076
388-49-640	AMD-P	95-15-058	388-73-213	REP-S	95-07-024	388-73-387	NEW-P	95-19-077
388-49-640	AMD	95-19-013	388-73-213	REP-W	95-11-051	388-73-389	NEW-E	95-19-076
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388-49-660	AMD-P	95-15-058	388-73-214	REP-W	95-11-051	388-73-391	NEW-E	95-19-076
388-49-660	AMD	95-19-013	388-73-216	REP-S	95-07-024	388-73-391	NEW-P	95-19-077
388-49-670	PREP	95-14-006	388-73-216	REP-W	95-11-051	388-73-393	NEW-E	95-19-076
388-49-670	AMD-P	95-15-058	388-73-250	NEW-S	95-07-024	388-73-393	NEW-P	95-19-077
388-49-670	AMD	95-19-013	388-73-250	NEW-W	95-11-051	388-73-395	NEW-E	95-19-076
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388-51-020	REP-P	95-19-021	388-73-254	NEW-S	95-07-024	388-73-400	REP-W	95-11-051
388-51-040	REP-P	95-19-021	388-73-254	NEW-W	95-11-051	388-73-402	REP-S	95-07-024
388-51-110	REP-P	95-19-021	388-73-256	NEW-S	95-07-024	388-73-402	REP-W	95-11-051
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388-51-120	REP-P	95-19-021	388-73-258	NEW-S	95-07-024	388-73-403	REP-W	95-11-051
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388-51-130	REP-P	95-19-021	388-73-260	NEW-S	95-07-024	388-73-404	REP-W	95-11-051
388-51-135	REP-P	95-19-021	388-73-260	NEW-W	95-11-051	388-73-406	REP-S	95-07-024
388-51-140	REP-P	95-19-021	388-73-262	NEW-S	95-07-024	388-73-406	REP-W	95-11-051
388-51-155	REP-P	95-19-021	388-73-262	NEW-W	95-11-051	388-73-408	REP-S	95-07-024
388-51-160	REP-P	95-19-021	388-73-264	NEW-S	95-07-024	388-73-408	REP-W	95-11-051
388-51-170	REP-P	95-19-021	388-73-264	NEW-W	95-11-051	388-73-409	REP-S	95-07-024
388-51-180	REP-P	95-19-021	388-73-266	NEW-S	95-07-024	388-73-409	REP-W	95-11-051
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388-51-210	REP-P	95-19-021	388-73-268	NEW-S	95-07-024	388-73-410	REP-W	95-11-051
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388-51-220	REP-P	95-19-021	388-73-270	NEW-S	95-07-024	388-73-412	REP-W	95-11-051
388-51-250	AMD	95-03-047	388-73-270	NEW-W	95-11-051	388-73-414	REP-S	95-07-024
388-51-250	REP-P	95-19-021	388-73-272	NEW-S	95-07-024	388-73-414	REP-W	95-11-051
388-51-260	REP-P	95-19-021	388-73-272	NEW-W	95-11-051	388-73-430	REP-S	95-07-024
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388-73-010	AMD-W	95-11-051	388-73-278	NEW-S	95-07-024	388-73-434	REP-W	95-11-051
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388-73-012	AMD-W	95-11-051	388-73-304	AMD-S	95-07-024	388-73-436	REP-W	95-11-051
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388-73-01950	AMD-W	95-11-051	388-73-355	NEW-E	95-19-076	388-73-510	REP-W	95-11-051
388-73-026	AMD-S	95-07-024	388-73-355	NEW-P	95-19-077	388-73-511	NEW-S	95-07-024
388-73-026	AMD-W	95-11-051	388-73-357	NEW-E	95-19-076	388-73-511	NEW-W	95-11-051
388-73-030	AMD-E	95-18-006	388-73-357	NEW-P	95-19-077	388-73-512	REP-S	95-07-024
388-73-030	AMD-P	95-18-007	388-73-361	NEW-E	95-19-076	388-73-512	REP-W	95-11-051
388-73-036	AMD-S	95-07-024	388-73-361	NEW-P	95-19-077	388-73-513	NEW-S	95-07-024
388-73-036	AMD-W	95-11-051	388-73-363	NEW-E	95-19-076	388-73-513	NEW-W	95-11-051
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388-73-054	AMD-W	95-11-051	388-73-365	NEW-E	95-19-076	388-73-516	NEW-W	95-11-051
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388-73-058	AMD-P	95-19-077	388-73-367	NEW-E	95-19-076	388-73-522	NEW-W	95-11-051
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388-73-074	AMD-P	95-19-077	388-73-371	NEW-E	95-19-076	388-73-606	AMD-W	95-11-051
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388-77-006	REP	95-18-002	388-86-009	REP	95-18-046	388-91-020	AMD-P	95-14-059
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388-77-010	REP	95-18-002	388-86-00902	REP	95-18-046	388-91-020	REP-P	95-16-014
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388-77-200	REP-P	95-15-068	388-86-021	REP-P	95-17-023	388-91-035	REP-P	95-16-014
388-77-200	REP	95-18-002	388-86-021	REP-W	95-17-049	388-91-035	REP-W	95-17-029
388-77-210	REP-P	95-15-068	388-86-022	PREP	95-15-012	388-91-040	REP-P	95-16-014
388-77-210	REP	95-18-002	388-86-022	AMD-E	95-18-052	388-91-040	REP-W	95-17-029
388-77-240	REP-P	95-15-068	388-86-022	AMD-P	95-18-078	388-91-050	REP-P	95-16-014
388-77-240	REP	95-18-002	388-86-030	PREP	95-08-043	388-91-050	REP-W	95-17-029
388-77-255	REP-P	95-15-068	388-86-030	PREP	95-13-020	388-96	PREP	95-12-022
388-77-255	REP	95-18-002	388-86-030	AMD-P	95-14-058	388-96-010	AMD-E	95-14-119
388-77-270	REP-P	95-15-068	388-86-030	AMD-E	95-14-060	388-96-010	AMD-P	95-14-120
388-77-270	REP	95-18-002	388-86-030	AMD-W	95-17-086	388-96-010	AMD	95-19-037
388-77-285	REP-P	95-15-068	388-86-030	AMD-P	95-18-005	388-96-032	AMD-E	95-14-119
388-77-285	REP	95-18-002	388-86-073	PREP	95-13-020	388-96-032	AMD-P	95-14-120
388-77-320	REP-P	95-15-068	388-86-073	AMD-P	95-14-058	388-96-032	AMD	95-19-037
388-77-320	REP	95-18-002	388-86-073	AMD-E	95-14-060	388-96-108	AMD-E	95-14-119
388-77-500	REP-P	95-15-068	388-86-073	AMD-W	95-17-086	388-96-108	AMD-P	95-14-120
388-77-500	REP	95-18-002	388-86-073	AMD-P	95-18-005	388-96-108	AMD	95-19-037
388-77-515	REP-P	95-15-068	388-86-075	PREP	95-13-020	388-96-204	AMD-E	95-14-119
388-77-515	REP	95-18-002	388-86-075	AMD-P	95-14-058	388-96-204	AMD-P	95-14-120
388-77-520	REP-P	95-15-068	388-86-075	AMD-E	95-14-060	388-96-204	AMD	95-19-037
388-77-520	REP	95-18-002	388-86-075	AMD-W	95-17-086	388-96-210	AMD-E	95-14-119
388-77-525	REP-P	95-15-068	388-86-075	AMD-P	95-18-005	388-96-210	AMD-P	95-14-120
388-77-525	REP	95-18-002	388-86-090	PREP	95-13-020	388-96-210	AMD	95-19-037
388-77-531	REP-P	95-15-068	388-86-090	AMD-P	95-14-058	388-96-216	REP-E	95-14-119
388-77-531	REP	95-18-002	388-86-090	AMD-E	95-14-060	388-96-216	REP-P	95-14-120
388-77-555	REP-P	95-15-068	388-86-090	AMD-W	95-17-086	388-96-216	REP	95-19-037
388-77-555	REP	95-18-002	388-86-090	AMD-P	95-18-005	388-96-220	AMD-E	95-14-119
388-77-600	REP-P	95-15-068	388-86-095	PREP	95-08-043	388-96-220	AMD-P	95-14-120
388-77-600	REP	95-18-002	388-86-098	PREP	95-13-020	388-96-220	AMD	95-19-037
388-77-605	REP-P	95-15-068	388-86-098	AMD-P	95-14-058	388-96-221	AMD-E	95-14-119
388-77-605	REP	95-18-002	388-86-098	AMD-E	95-14-060	388-96-221	AMD-P	95-14-120
388-77-610	REP-P	95-15-068	388-86-098	AMD-W	95-17-086	388-96-221	AMD	95-19-037
388-77-610	REP	95-18-002	388-86-098	AMD-P	95-18-005	388-96-224	AMD-E	95-14-119
388-77-615	REP-P	95-15-068	388-87	PREP	95-15-008	388-96-224	AMD-P	95-14-120
388-77-615	REP	95-18-002	388-87-005	AMD-E	95-16-115	388-96-224	AMD	95-19-037
388-77-735	REP-P	95-15-068	388-87-005	AMD-P	95-17-023	388-96-229	AMD-E	95-14-119
388-77-735	REP	95-18-002	388-87-005	AMD-W	95-17-049	388-96-229	AMD-P	95-14-120
388-77-737	REP-P	95-15-068	388-87-011	PREP	95-19-059	388-96-229	AMD	95-19-037
388-77-737	REP	95-18-002	388-87-020	PREP	95-15-047	388-96-384	AMD-E	95-14-119
388-77-810	REP-P	95-15-068	388-87-020	AMD-E	95-16-114	388-96-384	AMD-P	95-14-120
388-77-810	REP	95-18-002	388-87-020	AMD-P	95-17-066	388-96-384	AMD	95-19-037
388-77-820	REP-P	95-15-068	388-87-050	REP-E	95-16-115	388-96-501	AMD-E	95-14-119
388-77-820	REP	95-18-002	388-87-050	REP-P	95-17-023	388-96-501	AMD-P	95-14-120
388-77-900	REP-P	95-15-068	388-87-050	REP-W	95-17-049	388-96-501	AMD	95-19-037
388-77-900	REP	95-18-002	388-87-072	AMD	95-04-033	388-96-585	AMD-E	95-14-119
388-77A	PREP	95-15-036	388-91	PREP	95-15-032	388-96-585	AMD-P	95-14-120
388-77A-010	REP-P	95-15-068	388-91-005	REP-P	95-16-014	388-96-585	AMD	95-19-037
388-77A-010	REP	95-18-002	388-91-005	REP-W	95-17-029	388-96-704	AMD-E	95-14-119
388-77A-020	REP-P	95-15-068	388-91-007	PREP	95-13-021	388-96-704	AMD-P	95-14-120
388-77A-020	REP	95-18-002	388-91-007	REP-P	95-14-059	388-96-704	AMD	95-19-037
388-77A-030	REP-P	95-15-068	388-91-007	REP-E	95-14-061	388-96-709	AMD-E	95-14-119
388-77A-030	REP	95-18-002	388-91-007	REP-P	95-16-014	388-96-709	AMD-P	95-14-120
388-77A-040	REP-P	95-15-068	388-91-007	REP-W	95-17-029	388-96-709	AMD	95-19-037
388-77A-040	REP	95-18-002	388-91-007	REP	95-17-032	388-96-710	AMD-E	95-14-119
388-77A-041	REP-P	95-15-068	388-91-010	PREP	95-13-021	388-96-710	AMD-P	95-14-120
388-77A-041	REP	95-18-002	388-91-010	AMD-P	95-14-059	388-96-710	AMD	95-19-037
388-77A-050	REP-P	95-15-068	388-91-010	AMD-E	95-14-061	388-96-713	AMD-E	95-14-119
388-77A-050	REP	95-18-002	388-91-010	REP-P	95-16-014	388-96-713	AMD-P	95-14-120
388-77A-055	REP-P	95-15-068	388-91-010	REP-W	95-17-029	388-96-713	AMD	95-19-037
388-77A-055	REP	95-18-002	388-91-010	AMD	95-17-032	388-96-716	AMD-E	95-14-119
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388-86-005	PREP	95-13-020	388-91-013	REP-W	95-17-029	388-96-716	AMD	95-19-037
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388-96-722	AMD-E	95-14-119	388-165-050	NEW-P	95-08-044	388-218-1500	AMD	95-04-048
388-96-722	AMD-P	95-14-120	388-165-050	NEW	95-11-048	388-218-1510	PREP	95-11-007
388-96-722	AMD	95-19-037	388-165-060	NEW-P	95-08-044	388-218-1510	AMD-P	95-11-101
388-96-727	AMD-E	95-14-119	388-165-060	NEW	95-11-048	388-218-1510	AMD	95-14-047
388-96-727	AMD-P	95-14-120	388-165-070	NEW-P	95-08-044	388-218-1515	PREP	95-11-007
388-96-727	AMD	95-19-037	388-165-070	NEW	95-11-048	388-218-1515	REP-P	95-11-101
388-96-735	AMD-E	95-14-119	388-165-080	NEW-P	95-08-044	388-218-1515	REP	95-14-047
388-96-735	AMD-P	95-14-120	388-165-080	NEW	95-11-048	388-218-1520	AMD	95-04-048
388-96-735	AMD	95-19-037	388-165-090	NEW-P	95-08-044	388-218-1605	PREP	95-08-023
388-96-737	AMD-E	95-14-119	388-165-090	NEW	95-11-048	388-218-1605	AMD-P	95-09-035
388-96-737	AMD-P	95-14-120	388-165-100	NEW-P	95-08-044	388-218-1605	AMD	95-11-124
388-96-737	AMD	95-19-037	388-165-100	NEW	95-11-048	388-218-1610	PREP	95-08-023
388-96-745	AMD-E	95-14-119	388-201	PREP	95-19-020	388-218-1610	AMD-P	95-09-035
388-96-745	AMD-P	95-14-120	388-215-1000	PREP	95-09-013	388-218-1610	AMD	95-11-124
388-96-745	AMD	95-19-037	388-215-1000	PREP	95-11-066	388-218-1630	PREP	95-08-023
388-96-753	REP-E	95-14-119	388-215-1000	AMD-P	95-11-067	388-218-1630	AMD-P	95-09-035
388-96-753	REP-P	95-14-120	388-215-1000	AMD	95-14-048	388-218-1630	AMD	95-11-124
388-96-753	REP	95-19-037	388-215-1130	PREP	95-16-041	388-218-1680	PREP	95-08-023
388-96-754	AMD-E	95-14-119	388-215-1130	NEW-P	95-16-042	388-218-1680	AMD-P	95-09-035
388-96-754	AMD-P	95-14-120	388-215-1130	NEW-E	95-16-045	388-218-1680	AMD	95-11-124
388-96-754	AMD	95-19-037	388-215-1130	NEW	95-19-002	388-218-1680	PREP	95-14-080
388-96-763	AMD-E	95-14-119	388-215-1140	PREP	95-16-041	388-218-1695	AMD-P	95-16-119
388-96-763	AMD-P	95-14-120	388-215-1140	NEW-P	95-16-042	388-218-1695	AMD	95-19-005
388-96-763	AMD	95-19-037	388-215-1140	NEW-E	95-16-045	388-218-1730	PREP	95-08-023
388-96-765	AMD-E	95-14-119	388-215-1140	NEW	95-19-002	388-218-1730	AMD-P	95-09-035
388-96-765	AMD-P	95-14-120	388-215-1150	PREP	95-16-041	388-218-1730	AMD	95-11-124
388-96-765	AMD	95-19-037	388-215-1150	NEW-P	95-16-042	388-219-3000	PREP	95-06-035
388-96-769	AMD-E	95-14-119	388-215-1150	NEW-E	95-16-045	388-225-0020	PREP	95-05-039
388-96-769	AMD-P	95-14-120	388-215-1150	NEW	95-19-002	388-225-0020	AMD-P	95-08-010
388-96-769	AMD	95-19-037	388-215-1160	PREP	95-16-041	388-225-0020	AMD	95-11-046
388-96-776	AMD-E	95-14-119	388-215-1160	NEW-P	95-16-042	388-225-0300	REP-P	95-08-010
388-96-776	AMD-P	95-14-120	388-215-1160	NEW-E	95-16-045	388-225-0300	REP	95-11-046
388-96-776	AMD	95-19-037	388-215-1160	NEW	95-19-002	388-225-0300	REP	95-17-089
388-96-813	AMD-E	95-14-119	388-215-1170	PREP	95-16-041	388-233	PREP	95-17-089
388-96-813	AMD-P	95-14-120	388-215-1170	NEW-P	95-16-042	388-235-9000	AMD	95-03-048
388-96-813	AMD	95-19-037	388-215-1170	NEW-E	95-16-045	388-250-1200	AMD-P	95-05-014
388-96-901	AMD-E	95-14-119	388-215-1170	NEW	95-19-002	388-250-1200	AMD	95-07-123
388-96-901	AMD-P	95-14-120	388-215-1510	PREP	95-11-066	388-250-1250	PREP	95-17-050
388-96-901	AMD	95-19-037	388-215-1510	NEW-P	95-11-067	388-250-1250	AMD-P	95-18-036
388-96-902	REP-E	95-14-119	388-215-1510	NEW	95-14-048	388-250-1250	AMD-E	95-18-061
388-96-902	REP-P	95-14-120	388-216-2150	PREP	95-09-012	388-250-1300	PREP	95-17-050
388-96-902	REP	95-19-037	388-216-2150	AMD-P	95-11-050	388-250-1300	AMD-P	95-18-036
388-96-904	AMD-E	95-14-119	388-216-2150	AMD	95-14-049	388-250-1300	AMD-E	95-18-061
388-96-904	AMD-P	95-14-120	388-216-2350	PREP	95-14-081	388-250-1700	AMD	95-03-046
388-96-904	AMD	95-19-037	388-216-2350	AMD-P	95-16-120	388-250-1700	PREP	95-16-015
388-97	PREP	95-18-043	388-216-2350	AMD	95-19-006	388-250-1700	AMD-P	95-17-128
388-97	PREP	95-19-060	388-216-2450	PREP	95-09-012	388-250-1750	PREP	95-17-050
388-97-235	PREP	95-18-043	388-216-2450	AMD-P	95-11-050	388-250-1750	AMD-P	95-18-036
388-97-240	PREP	95-18-044	388-216-2450	AMD	95-14-049	388-250-1750	AMD-E	95-18-061
388-150	PREP	95-16-057	388-216-2650	PREP	95-09-012	388-265-1750	PREP	95-09-044
388-150-090	AMD-E	95-18-006	388-216-2650	AMD-P	95-11-050	388-265-1750	AMD-P	95-09-054
388-150-090	AMD-P	95-18-007	388-216-2650	AMD	95-14-049	388-265-1750	AMD-E	95-09-055
388-151	PREP	95-16-057	388-216-2800	PREP	95-09-012	388-265-1750	AMD	95-11-119
388-151-090	AMD-E	95-18-006	388-216-2800	AMD-P	95-11-050	388-290	PREP	95-13-061
388-151-090	AMD-P	95-18-007	388-216-2800	AMD	95-14-049	388-290	PREP	95-17-096
388-155	PREP	95-16-057	388-217-3050	PREP	95-19-061	388-290-010	NEW-P	95-19-021
388-155-090	AMD-E	95-18-006	388-217-3050	PREP	95-19-082	388-290-020	NEW-P	95-19-021
388-155-090	AMD-P	95-18-007	388-217-3200	PREP	95-19-061	388-290-040	NEW-P	95-19-021
388-160	PREP	95-16-057	388-217-3200	PREP	95-19-082	388-290-110	NEW-P	95-19-021
388-160	PREP	95-17-041	388-218-1050	AMD	95-04-048	388-290-115	NEW-P	95-19-021
388-160-090	AMD-E	95-18-006	388-218-1050	PREP	95-11-007	388-290-120	NEW-P	95-19-021
388-160-090	AMD-P	95-18-007	388-218-1050	AMD-P	95-11-101	388-290-123	NEW-P	95-19-021
388-165	PREP	95-05-068	388-218-1050	AMD	95-14-047	388-290-130	NEW-P	95-19-021
388-165-005	NEW-P	95-08-044	388-218-1200	PREP	95-08-023	388-290-135	NEW-P	95-19-021
388-165-005	NEW	95-11-048	388-218-1200	AMD-P	95-09-035	388-290-140	NEW-P	95-19-021
388-165-010	NEW-P	95-08-044	388-218-1200	AMD	95-11-124	388-290-155	NEW-P	95-19-021
388-165-010	NEW	95-11-048	388-218-1350	PREP	95-08-023	388-290-160	NEW-P	95-19-021
388-165-020	NEW-P	95-08-044	388-218-1350	AMD-P	95-09-035	388-290-170	NEW-P	95-19-021
388-165-020	NEW	95-11-048	388-218-1350	AMD	95-11-124	388-290-180	NEW-P	95-19-021
388-165-030	NEW-P	95-08-044	388-218-1400	AMD	95-04-048	388-290-210	NEW-P	95-19-021
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388-300-0100	NEW	95-19-075	388-300-3800	NEW-P	95-15-001	388-513-1300	NEW-P	95-03-084
388-300-0200	NEW-P	95-15-001	388-300-3800	NEW	95-19-075	388-513-1300	NEW	95-06-025
388-300-0200	NEW	95-19-075	388-300-3900	NEW-P	95-15-001	388-513-1315	PREP	95-15-038
388-300-0300	NEW-P	95-15-001	388-300-3900	NEW	95-19-075	388-513-1315	AMD-P	95-16-013
388-300-0300	NEW	95-19-075	388-330	PREP	95-11-006	388-513-1315	AMD-E	95-16-018
388-300-0400	NEW-P	95-15-001	388-330	PREP	95-16-057	388-513-1315	AMD	95-19-007
388-300-0400	NEW	95-19-075	388-330-010	AMD-P	95-16-086	388-513-1330	PREP	95-07-072
388-300-0500	NEW-P	95-15-001	388-330-010	AMD-E	95-16-087	388-513-1350	AMD	95-05-022
388-300-0500	NEW	95-19-075	388-330-010	RESCIND	95-16-100	388-513-1380	AMD	95-05-022
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388-300-0700	NEW-P	95-15-001	388-330-010	AMD-P	95-18-007	388-513-1380	AMD-E	95-08-046
388-300-0700	NEW	95-19-075	388-330-035	NEW-P	95-16-086	388-513-1380	AMD	95-11-045
388-300-0800	NEW-P	95-15-001	388-330-035	NEW-E	95-16-087	388-513-1380	PREP	95-14-002
388-300-0800	NEW	95-19-075	388-330-035	RESCIND	95-16-100	388-513-1395	PREP	95-15-037
388-300-0900	NEW-P	95-15-001	388-330-035	NEW-W	95-16-101	388-515-1505	PREP	95-12-011
388-300-0900	NEW	95-19-075	388-330-035	NEW-E	95-18-006	388-515-1505	AMD-P	95-17-061
388-300-1000	NEW-P	95-15-001	388-330-035	NEW-P	95-18-007	388-515-1530	PREP	95-11-077
388-300-1000	NEW	95-19-075	388-500-0005	PREP	95-13-020	388-515-1530	AMD-P	95-15-035
388-300-1100	NEW-P	95-15-001	388-500-0005	AMD-P	95-14-058	388-515-1530	AMD	95-18-001
388-300-1100	NEW	95-19-075	388-500-0005	AMD-E	95-14-060	388-517-1710	AMD-P	95-11-049
388-300-1200	NEW-P	95-15-001	388-500-0005	AMD-W	95-17-086	388-517-1710	AMD	95-14-046
388-300-1200	NEW	95-19-075	388-500-0005	AMD-P	95-18-005	388-517-1715	AMD-P	95-11-049
388-300-1300	NEW-P	95-15-001	388-501-0130	PREP	95-17-042	388-517-1715	AMD	95-14-046
388-300-1300	NEW	95-19-075	388-503-0320	PREP	95-15-037	388-517-1720	PREP	95-06-071
388-300-1400	NEW-P	95-15-001	388-503-0370	PREP	95-13-020	388-517-1720	AMD-P	95-08-045
388-300-1400	NEW	95-19-075	388-503-0370	AMD-P	95-14-058	388-517-1720	AMD-E	95-08-046
388-300-1500	NEW-P	95-15-001	388-503-0370	AMD-E	95-14-060	388-517-1720	AMD	95-11-056
388-300-1500	NEW	95-19-075	388-503-0370	AMD-W	95-17-086	388-517-1730	AMD-P	95-11-049
388-300-1600	NEW-P	95-15-001	388-503-0370	AMD-P	95-18-005	388-517-1730	AMD	95-14-046
388-300-1600	NEW	95-19-075	388-504-0470	PREP	95-14-005	388-517-1740	PREP	95-06-071
388-300-1700	NEW-P	95-15-001	388-504-0470	AMD-P	95-19-100	388-517-1740	AMD-P	95-08-045
388-300-1700	NEW	95-19-075	388-505-0520	PREP	95-19-036	388-517-1740	AMD-E	95-08-046
388-300-1800	NEW-P	95-15-001	388-505-0580	PREP	95-17-060	388-517-1740	AMD	95-11-056
388-300-1800	NEW	95-19-075	388-505-0590	AMD	95-04-047	388-517-1740	PREP	95-15-007
388-300-1900	NEW-P	95-15-001	388-505-0590	PREP	95-07-090	388-517-1750	AMD-P	95-11-049
388-300-1900	NEW	95-19-075	388-505-0590	AMD-P	95-13-085	388-517-1750	AMD	95-14-046
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388-300-2000	NEW	95-19-075	388-505-0590	AMD-W	95-14-038	388-517-1760	AMD-P	95-08-045
388-300-2100	NEW-P	95-15-001	388-505-0590	AMD	95-17-031	388-517-1760	AMD-E	95-08-046
388-300-2100	NEW	95-19-075	388-506-0610	AMD-P	95-07-049	388-517-1760	AMD	95-11-056
388-300-2200	NEW-P	95-15-001	388-506-0610	AMD	95-10-025	388-518-1805	AMD	95-04-049
388-300-2200	NEW	95-19-075	388-506-0610	PREP	95-15-038	388-518-1805	PREP	95-13-020
388-300-2300	NEW-P	95-15-001	388-506-0610	AMD-P	95-16-013	388-518-1805	AMD-P	95-14-058
388-300-2300	NEW	95-19-075	388-506-0610	AMD-E	95-16-018	388-518-1805	AMD-E	95-14-060
388-300-2400	NEW-P	95-15-001	388-506-0610	AMD	95-19-007	388-518-1805	AMD-W	95-17-086
388-300-2400	NEW	95-19-075	388-507-0710	AMD	95-05-022	388-518-1805	AMD-P	95-18-005
388-300-2500	NEW-P	95-15-001	388-507-0710	PREP	95-08-009	388-518-1810	PREP	95-13-020
388-300-2500	NEW	95-19-075	388-507-0710	AMD-P	95-13-087	388-518-1810	AMD-P	95-14-058
388-300-2600	NEW-P	95-15-001	388-507-0710	AMD-W	95-14-038	388-518-1810	AMD-E	95-14-060
388-300-2600	NEW	95-19-075	388-508-0805	PREP	95-06-071	388-518-1810	AMD-W	95-17-086
388-300-2700	NEW-P	95-15-001	388-508-0805	AMD-P	95-08-045	388-518-1810	AMD-P	95-18-005
388-300-2700	NEW	95-19-075	388-508-0805	AMD-E	95-08-046	388-518-1840	PREP	95-13-020
388-300-2800	NEW-P	95-15-001	388-508-0805	AMD	95-11-045	388-518-1840	AMD-P	95-14-058
388-300-2800	NEW	95-19-075	388-508-0820	AMD-P	95-13-086	388-518-1840	AMD-E	95-14-060
388-300-2900	NEW-P	95-15-001	388-508-0820	AMD	95-16-058	388-518-1840	AMD-W	95-17-086
388-300-2900	NEW	95-19-075	388-509-0920	PREP	95-06-071	388-518-1840	AMD-P	95-18-005
388-300-3000	NEW-P	95-15-001	388-509-0920	AMD-P	95-08-045	388-519-1905	PREP	95-13-020
388-300-3000	NEW	95-19-075	388-509-0920	AMD-E	95-08-046	388-519-1905	AMD-P	95-14-058
388-300-3100	NEW-P	95-15-001	388-509-0920	AMD	95-11-056	388-519-1905	AMD-E	95-14-060
388-300-3100	NEW	95-19-075	388-509-0960	AMD	95-05-023	388-519-1905	AMD-W	95-17-086
388-300-3200	NEW-P	95-15-001	388-509-0960	PREP	95-06-071	388-519-1905	AMD-P	95-18-005
388-300-3200	NEW	95-19-075	388-509-0960	AMD-P	95-08-045	388-521-2140	PREP	95-13-020
388-300-3300	NEW-P	95-15-001	388-509-0960	AMD-E	95-08-046	388-521-2140	AMD-P	95-14-058
388-300-3300	NEW	95-19-075	388-509-0960	AMD	95-11-056	388-521-2140	AMD-E	95-14-060
388-300-3400	NEW-P	95-15-001	388-511-1105	AMD-P	95-06-072	388-521-2140	AMD-W	95-17-086
388-300-3400	NEW	95-19-075	388-511-1105	AMD	95-08-070	388-521-2140	AMD-P	95-18-005
388-300-3500	NEW-P	95-15-001	388-511-1130	AMD-P	95-06-072	388-522-2230	PREP	95-06-033
388-300-3500	NEW	95-19-075	388-511-1130	AMD-W	95-08-071	388-522-2230	AMD-P	95-12-031
388-300-3600	NEW-P	95-15-001	388-511-1140	AMD-P	95-06-072	388-522-2230	AMD	95-15-039
388-300-3600	NEW	95-19-075	388-511-1140	AMD	95-08-070	388-527-2710	REP-P	95-14-116

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388-527-2710	REP-C	95-17-030	388-530-1850	NEW-W	95-17-029	390-17-052	REP-E	95-14-076
388-527-2710	REP	95-19-001	388-530-1900	NEW-P	95-16-014	390-17-400	PREP	95-18-089
388-527-2720	REP-P	95-14-116	388-530-1900	NEW-W	95-17-029	390-20-020	AMD-E	95-18-079
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388-527-2720	REP-C	95-17-030	388-535-1000	NEW-E	95-16-115	391-45-431	REP-E	95-06-087
388-527-2720	REP	95-19-001	388-535-1000	NEW-P	95-17-023	391-45-560	NEW-E	95-07-026
388-527-2730	NEW-P	95-14-116	388-535-1000	NEW-W	95-17-049	392-121	PREP	95-10-032
388-527-2730	NEW-E	95-14-117	388-535-1050	NEW-E	95-16-115	392-121	PREP	95-14-015
388-527-2730	NEW-C	95-17-030	388-535-1050	NEW-P	95-17-023	392-121	PREP	95-15-090
388-527-2730	NEW	95-19-001	388-535-1050	NEW-W	95-17-049	392-121-106	AMD-E	95-04-055
388-527-2735	NEW	95-19-001	388-535-1100	NEW-E	95-16-115	392-121-106	AMD-P	95-06-059
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388-527-2740	NEW-E	95-14-117	388-535-1100	NEW-W	95-17-049	392-121-107	AMD-P	95-14-140
388-527-2740	NEW-C	95-17-030	388-535-1150	NEW-E	95-16-115	392-121-107	AMD	95-18-097
388-527-2740	NEW	95-19-001	388-535-1150	NEW-P	95-17-023	392-121-182	AMD-P	95-14-140
388-527-2742	NEW-P	95-14-116	388-535-1150	NEW-W	95-17-049	392-121-182	AMD	95-18-097
388-527-2742	NEW-E	95-14-117	388-535-1200	NEW-E	95-16-115	392-121-188	AMD-P	95-14-140
388-527-2742	NEW-C	95-17-030	388-535-1200	NEW-P	95-17-023	392-121-188	AMD	95-18-097
388-527-2742	NEW	95-19-001	388-535-1200	NEW-W	95-17-049	392-121-201	NEW-P	95-18-096
388-527-2744	NEW-P	95-14-116	388-535-1250	NEW-E	95-16-115	392-121-205	AMD-P	95-18-096
388-527-2744	NEW-E	95-14-117	388-535-1250	NEW-P	95-17-023	392-121-206	NEW-P	95-18-096
388-527-2744	NEW-C	95-17-030	388-535-1250	NEW-W	95-17-049	392-121-210	AMD-P	95-18-096
388-527-2750	NEW	95-19-001	388-535-1300	NEW-E	95-16-115	392-121-215	AMD-P	95-18-096
388-527-2752	NEW	95-19-001	388-535-1300	NEW-P	95-17-023	392-121-220	AMD-P	95-18-096
388-527-2753	NEW	95-19-001	388-535-1300	NEW-W	95-17-049	392-121-225	AMD-P	95-18-096
388-527-2754	NEW	95-19-001	388-535-1350	NEW-E	95-16-115	392-121-245	AMD-P	95-18-096
388-527-2770	NEW-P	95-14-116	388-535-1350	NEW-P	95-17-023	392-121-255	AMD-P	95-18-096
388-527-2770	NEW-E	95-14-117	388-535-1350	NEW-W	95-17-049	392-121-257	AMD-P	95-18-096
388-527-2770	NEW-C	95-17-030	388-535-1400	NEW-E	95-16-115	392-121-259	AMD-P	95-18-096
388-527-2790	NEW-P	95-14-116	388-535-1400	NEW-P	95-17-023	392-121-261	AMD-P	95-18-096
388-527-2790	NEW-E	95-14-117	388-535-1400	NEW-W	95-17-049	392-121-262	NEW-P	95-18-096
388-527-2790	NEW-C	95-17-030	388-535-1450	NEW-E	95-16-115	392-121-270	AMD-P	95-18-096
388-527-2790	NEW	95-19-001	388-535-1450	NEW-P	95-17-023	392-121-280	AMD-P	95-18-096
388-529-2950	PREP	95-13-020	388-535-1450	NEW-W	95-17-049	392-121-295	AMD-P	95-18-096
388-529-2950	AMD-P	95-14-058	388-535-1500	NEW-E	95-16-115	392-122	PREP	95-14-014
388-529-2950	AMD-E	95-14-060	388-535-1500	NEW-P	95-17-023	392-122	PREP	95-15-089
388-529-2950	AMD-W	95-17-086	388-535-1500	NEW-W	95-17-049	392-122-205	AMD-P	95-05-020
388-529-2950	AMD-P	95-18-005	388-535-1550	NEW-E	95-16-115	392-122-205	AMD	95-08-025
388-530-1000	NEW-P	95-16-014	388-535-1550	NEW-P	95-17-023	392-122-214	REP-P	95-05-020
388-530-1000	NEW-W	95-17-029	388-535-1550	NEW-W	95-17-049	392-122-214	REP	95-08-025
388-530-1050	NEW-P	95-16-014	388-538	PREP	95-12-033	392-122-221	AMD-P	95-05-020
388-530-1050	NEW-W	95-17-029	388-538-050	AMD-P	95-15-023	392-122-221	AMD	95-08-025
388-530-1100	NEW-P	95-16-014	388-538-050	AMD	95-18-046	392-122-230	AMD-P	95-05-020
388-530-1100	NEW-W	95-17-029	388-538-060	AMD-P	95-15-023	392-122-230	AMD	95-08-025
388-530-1150	NEW-P	95-16-014	388-538-060	AMD	95-18-046	392-122-260	REP-P	95-05-020
388-530-1150	NEW-W	95-17-029	388-538-070	AMD-P	95-15-023	392-122-260	REP	95-08-025
388-530-1200	NEW-P	95-16-014	388-538-070	AMD	95-18-046	392-122-275	AMD-P	95-05-020
388-530-1200	NEW-W	95-17-029	388-538-080	AMD-P	95-15-023	392-122-275	AMD	95-08-025
388-530-1250	NEW-P	95-16-014	388-538-080	AMD	95-18-046	392-122-900	PREP	95-13-081
388-530-1250	NEW-W	95-17-029	388-538-090	AMD-P	95-15-023	392-122-900	AMD-P	95-15-029
388-530-1300	NEW-P	95-16-014	388-538-090	AMD	95-18-046	392-122-900	AMD-E	95-15-030
388-530-1300	NEW-W	95-17-029	388-538-095	AMD-P	95-15-023	392-122-900	AMD	95-18-074
388-530-1350	NEW-P	95-16-014	388-538-095	AMD	95-18-046	392-123-054	PREP	95-11-024
388-530-1350	NEW-W	95-17-029	388-538-100	AMD	95-04-033	392-127	PREP	95-14-013
388-530-1400	NEW-P	95-16-014	388-538-100	AMD-P	95-15-023	392-135	PREP	95-14-012
388-530-1400	NEW-W	95-17-029	388-538-100	AMD	95-18-046	392-139	PREP	95-14-011
388-530-1450	NEW-P	95-16-014	388-538-110	AMD-P	95-15-023	392-140	PREP	95-14-009
388-530-1450	NEW-W	95-17-029	388-538-110	AMD	95-18-046	392-140	PREP	95-14-010
388-530-1500	NEW-P	95-16-014	388-538-120	AMD-P	95-15-023	392-140-500	PREP	95-11-004
388-530-1500	NEW-W	95-17-029	388-538-120	AMD	95-18-046	392-140-570	NEW-P	95-15-054
388-530-1550	NEW-P	95-16-014	388-538-130	AMD-P	95-15-023	392-140-570	NEW	95-18-051
388-530-1550	NEW-W	95-17-029	388-538-130	AMD	95-18-046	392-140-571	NEW-P	95-15-054
388-530-1600	NEW-P	95-16-014	388-538-140	AMD-P	95-15-023	392-140-571	NEW	95-18-051
388-530-1600	NEW-W	95-17-029	388-538-140	AMD	95-18-046	392-140-572	NEW-P	95-15-054
388-530-1650	NEW-P	95-16-014	388-538-150	AMD-P	95-15-023	392-140-572	NEW	95-18-051
388-530-1650	NEW-W	95-17-029	388-538-150	AMD	95-18-046	392-140-573	NEW-P	95-15-054
388-530-1700	NEW-P	95-16-014	390-05-190	AMD-E	95-14-076	392-140-573	NEW	95-18-051
388-530-1700	NEW-W	95-17-029	390-05-210	AMD-E	95-14-076	392-140-574	NEW-P	95-15-054
388-530-1750	NEW-P	95-16-014	390-05-245	NEW-E	95-14-076	392-140-574	NEW	95-18-051
388-530-1750	NEW-W	95-17-029	390-16-038	AMD-E	95-14-076	392-140-575	NEW-P	95-15-054
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392-140-578	NEW-P	95-15-054	392-142-170	AMD-E	95-17-012	392-169-045	AMD	95-09-042
392-140-578	NEW	95-18-051	392-142-175	REP-P	95-13-100	392-169-050	AMD-P	95-06-084
392-140-580	NEW-P	95-15-054	392-142-175	REP	95-17-011	392-169-050	AMD	95-09-042
392-140-580	NEW	95-18-051	392-142-175	REP-E	95-17-012	392-169-055	AMD-P	95-06-084
392-140-581	NEW-P	95-15-054	392-142-205	AMD-P	95-13-100	392-169-055	AMD	95-09-042
392-140-581	NEW	95-18-051	392-142-205	AMD	95-17-011	392-169-057	AMD-P	95-06-084
392-140-582	NEW-P	95-15-054	392-142-205	AMD-E	95-17-012	392-169-057	AMD	95-09-042
392-140-582	NEW	95-18-051	392-142-210	AMD-P	95-13-100	392-169-060	AMD-P	95-06-084
392-140-583	NEW-P	95-15-054	392-142-210	AMD	95-17-011	392-169-060	AMD	95-09-042
392-140-583	NEW	95-18-051	392-142-210	AMD-E	95-17-012	392-169-065	AMD-P	95-06-084
392-140-584	NEW-P	95-15-054	392-142-212	NEW-P	95-13-100	392-169-065	AMD	95-09-042
392-140-584	NEW	95-18-051	392-142-212	NEW	95-17-011	392-169-075	AMD-P	95-06-084
392-140-585	NEW-P	95-15-054	392-142-212	NEW-E	95-17-012	392-169-075	AMD	95-09-042
392-140-585	NEW	95-18-051	392-142-213	NEW-P	95-13-100	392-169-080	AMD-P	95-06-084
392-140-586	NEW-P	95-15-054	392-142-213	NEW	95-17-011	392-169-080	AMD	95-09-042
392-140-586	NEW	95-18-051	392-142-213	NEW-E	95-17-012	392-169-085	AMD-P	95-06-084
392-140-588	NEW-P	95-15-054	392-142-240	AMD-P	95-13-100	392-169-085	AMD	95-09-042
392-140-588	NEW	95-18-051	392-142-240	AMD	95-17-011	392-169-090	AMD-P	95-06-084
392-140-590	NEW-P	95-15-054	392-142-240	AMD-E	95-17-012	392-169-090	AMD	95-09-042
392-140-590	NEW	95-18-051	392-142-265	AMD-P	95-13-100	392-169-100	AMD-P	95-06-084
392-140-592	NEW-P	95-15-054	392-142-265	AMD	95-17-011	392-169-100	AMD	95-09-042
392-140-592	NEW	95-18-051	392-142-265	AMD-E	95-17-012	392-169-105	AMD-P	95-06-084
392-140-594	NEW-P	95-15-054	392-162	PREP	95-15-052	392-169-105	AMD	95-09-042
392-140-594	NEW	95-18-051	392-162-042	REP-P	95-15-076	392-169-110	AMD-P	95-06-084
392-141-115	AMD-P	95-15-075	392-162-042	REP	95-19-031	392-169-110	AMD	95-09-042
392-141-115	AMD	95-18-050	392-162-043	NEW-P	95-15-076	392-169-115	AMD-P	95-06-084
392-141-135	AMD-P	95-15-075	392-162-043	NEW	95-19-031	392-169-115	AMD	95-09-042
392-141-135	AMD	95-18-050	392-162-044	REP-P	95-15-076	392-169-120	AMD-P	95-06-084
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392-141-151	NEW-P	95-15-075	392-162-049	AMD	95-19-031	392-169-125	AMD	95-09-042
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392-141-170	AMD-P	95-15-075	392-162-052	AMD	95-19-031	392-171	PREP	95-10-050
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392-141-185	AMD-P	95-15-075	392-162-057	AMD	95-19-031	392-171-310	REP-P	95-15-114
392-141-185	AMD	95-18-050	392-162-062	AMD-P	95-15-076	392-171-311	REP-P	95-15-114
392-142-005	AMD-P	95-13-100	392-162-062	AMD	95-19-031	392-171-315	REP-P	95-15-114
392-142-005	AMD	95-17-011	392-162-067	AMD-P	95-15-076	392-171-320	REP-P	95-15-114
392-142-005	AMD-E	95-17-012	392-162-067	AMD	95-19-031	392-171-321	REP-P	95-15-114
392-142-010	AMD-P	95-13-100	392-162-067	AMD	95-19-031	392-171-322	REP-P	95-15-114
392-142-010	AMD	95-17-011	392-162-070	REP-P	95-15-076	392-171-323	REP-P	95-15-114
392-142-010	AMD-E	95-17-012	392-162-070	REP	95-19-031	392-171-324	REP-P	95-15-114
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392-142-095	AMD	95-17-011	392-162-075	AMD	95-19-031	392-171-325	REP-P	95-15-114
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392-142-115	AMD	95-17-011	392-162-085	AMD-P	95-15-076	392-171-341	REP-P	95-15-114
392-142-115	AMD-E	95-17-012	392-162-085	AMD	95-19-031	392-171-346	REP-P	95-15-114
392-142-125	AMD-P	95-13-100	392-162-095	AMD-P	95-15-076	392-171-351	REP-P	95-15-114
392-142-125	AMD	95-17-011	392-162-095	AMD	95-19-031	392-171-358	REP-P	95-15-114
392-142-125	AMD-E	95-17-012	392-162-105	PREP	95-15-051	392-171-361	REP-P	95-15-114
392-142-130	AMD-P	95-13-100	392-162-105	AMD-P	95-15-053	392-171-366	REP-P	95-15-114
392-142-130	AMD	95-17-011	392-162-105	AMD	95-19-032	392-171-371	REP-P	95-15-114
392-142-130	AMD-E	95-17-012	392-162-110	AMD-P	95-15-076	392-171-376	REP-P	95-15-114
392-142-135	AMD-P	95-13-100	392-162-110	AMD	95-19-031	392-171-381	REP-P	95-15-114
392-142-135	AMD	95-17-011	392-169-005	AMD-P	95-06-084	392-171-382	REP-P	95-15-114
392-142-135	AMD-E	95-17-012	392-169-005	AMD	95-09-042	392-171-383	REP-P	95-15-114
392-142-155	AMD-P	95-13-100	392-169-015	AMD-P	95-06-084	392-171-386	REP-P	95-15-114
392-142-155	AMD	95-17-011	392-169-015	AMD	95-09-042	392-171-391	REP-P	95-15-114
392-142-155	AMD-E	95-17-012	392-169-020	AMD-P	95-06-084	392-171-396	REP-P	95-15-114
392-142-162	NEW-P	95-13-100	392-169-020	AMD	95-09-042	392-171-401	REP-P	95-15-114
392-142-162	NEW	95-17-011	392-169-022	AMD-P	95-06-084	392-171-406	REP-P	95-15-114
392-142-162	NEW-E	95-17-012	392-169-022	AMD	95-09-042	392-171-411	REP-P	95-15-114
392-142-163	NEW-P	95-13-100	392-169-023	AMD-P	95-06-084	392-171-412	REP-P	95-15-114
392-142-163	NEW	95-17-011	392-169-023	AMD	95-09-042	392-171-413	REP-P	95-15-114
392-142-163	NEW-E	95-17-012	392-169-025	AMD-P	95-06-084	392-171-418	REP-P	95-15-114
392-142-165	AMD-P	95-13-100	392-169-025	AMD	95-09-042	392-171-421	REP-P	95-15-114
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392-172-372	NEW-P	95-15-114	415-104-0113	NEW-P	95-09-069	415-112-0153	NEW-P	95-09-069
392-172-374	NEW-P	95-15-114	415-104-0113	NEW	95-16-053	415-112-0154	NEW-P	95-09-069
392-172-376	NEW-P	95-15-114	415-104-0114	NEW-P	95-09-069	415-112-0154	NEW	95-16-053
392-172-378	NEW-P	95-15-114	415-104-0114	NEW	95-16-053	415-112-0155	NEW-P	95-09-069
392-172-380	NEW-P	95-15-114	415-104-0115	NEW-P	95-09-069	415-112-0156	NEW-P	95-09-069
392-172-382	NEW-P	95-15-114	415-104-0115	NEW	95-16-053	415-112-0156	NEW	95-16-053
392-172-388	NEW-P	95-15-114	415-104-0117	NEW-P	95-09-069	415-112-0157	NEW-P	95-09-069
392-172-390	NEW-P	95-15-114	415-104-0117	NEW	95-16-053	415-112-0157	NEW	95-16-053
392-172-392	NEW-P	95-15-114	415-104-0118	NEW-P	95-09-069	415-112-0158	NEW-P	95-09-069
392-172-394	NEW-P	95-15-114	415-104-0118	NEW	95-16-053	415-112-0158	NEW	95-16-053
392-172-396	NEW-P	95-15-114	415-104-0120	NEW-P	95-09-069	415-112-0159	NEW-P	95-09-069
392-172-398	NEW-P	95-15-114	415-104-0120	NEW	95-16-053	415-112-0159	NEW	95-16-053
392-172-400	NEW-P	95-15-114	415-104-0121	NEW-P	95-09-069	415-112-0161	NEW-P	95-09-069
392-172-402	NEW-P	95-15-114	415-104-0121	NEW	95-16-053	415-112-0161	NEW	95-16-053
392-172-404	NEW-P	95-15-114	415-104-0122	NEW-P	95-09-069	415-112-0162	NEW-P	95-09-069
392-172-406	NEW-P	95-15-114	415-104-0122	NEW	95-16-053	415-112-0162	NEW	95-16-053
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392-172-410	NEW-P	95-15-114	415-104-224	NEW	95-16-053	415-112-0163	NEW	95-16-053
392-172-412	NEW-P	95-15-114	415-104-225	NEW-P	95-09-069	415-112-0164	NEW-P	95-09-069
392-172-414	NEW-P	95-15-114	415-104-225	NEW	95-16-053	415-112-0165	NEW-P	95-09-069
392-172-416	NEW-P	95-15-114	415-104-235	NEW-P	95-09-069	415-112-0165	NEW	95-16-053
392-172-418	NEW-P	95-15-114	415-104-235	NEW	95-16-053	415-112-0166	NEW-P	95-09-069
392-172-420	NEW-P	95-15-114	415-104-245	NEW-P	95-09-069	415-112-0167	NEW-P	95-09-069
392-172-422	NEW-P	95-15-114	415-104-245	NEW	95-16-053	415-112-0167	NEW	95-16-053
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392-172-426	NEW-P	95-15-114	415-108-010	AMD	95-16-053	415-112-119	NEW	95-16-053
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392-172-506	NEW-P	95-15-114	415-108-0102	NEW	95-16-053	415-112-125	NEW	95-16-053
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392-172-512	NEW-P	95-15-114	415-108-0104	NEW-P	95-09-069	415-112-135	NEW-P	95-09-069
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392-172-518	NEW-P	95-15-114	415-108-0105	NEW	95-16-053	415-112-140	NEW	95-16-053
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392-172-526	NEW-P	95-15-114	415-108-0107	NEW	95-16-053	415-112-155	NEW	95-16-053
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392-172-574	NEW-P	95-15-114	415-108-680	NEW	95-16-053	415-113-0305	NEW	95-03-001
392-172-580	NEW-P	95-15-114	415-108-690	NEW-P	95-09-069	415-113-0306	NEW	95-03-001
392-172-582	NEW-P	95-15-114	415-108-690	NEW	95-16-053	415-113-0307	NEW	95-03-001
392-172-584	NEW-P	95-15-114	415-108-700	NEW-P	95-09-069	415-113-0308	NEW	95-03-001
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392-172-590	NEW-P	95-15-114	415-108-710	NEW	95-16-053	415-113-040	REP	95-03-001
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399-30-040	AMD	95-11-093	415-108-728	NEW	95-16-053	415-113-060	REP	95-03-001
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456-09-725	AMD	95-05-033	458-14-005	PREP	95-07-139	458-30-260	AMD-P	95-13-066
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456-09-945	AMD	95-05-033	458-14-015	AMD-P	95-12-087	458-30-265	AMD-P	95-13-066
456-09-955	AMD	95-05-033	458-14-015	AMD	95-17-099	458-30-267	NEW-P	95-13-066
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456-10-320	AMD	95-05-032	458-14-056	AMD	95-17-099	458-30-280	AMD-P	95-13-066
456-10-325	AMD	95-05-032	458-14-066	PREP	95-07-139	458-30-285	AMD-P	95-13-066
456-10-330	AMD	95-05-032	458-14-066	AMD-P	95-12-087	458-30-290	REP-P	95-13-066
456-10-340	AMD	95-05-032	458-14-066	AMD	95-17-099	458-30-295	AMD-P	95-13-066
456-10-360	AMD	95-05-032	458-14-116	PREP	95-07-139	458-30-300	AMD-P	95-13-066
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456-10-510	AMD	95-05-032	458-14-116	AMD	95-17-099	458-30-310	AMD-P	95-13-066
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456-10-530	AMD	95-05-032	458-14-127	AMD-P	95-12-086	458-30-317	NEW-P	95-13-066
456-10-730	AMD	95-05-032	458-14-127	AMD	95-17-099	458-30-320	AMD-P	95-13-066
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458-08-010	REP	95-07-067	458-14-146	AMD	95-17-099	458-30-335	AMD-P	95-13-066
458-08-020	REP-P	95-04-051	458-14-160	PREP	95-07-139	458-30-340	AMD-P	95-13-066
458-08-020	REP	95-07-067	458-14-160	AMD-P	95-12-086	458-30-345	AMD-P	95-13-066
458-08-030	REP-P	95-04-051	458-14-160	AMD	95-17-099	458-30-350	AMD-P	95-13-066
458-08-030	REP	95-07-067	458-14-170	PREP	95-07-139	458-30-355	AMD-P	95-13-066
458-08-040	REP-P	95-04-051	458-14-170	AMD-P	95-12-086	458-30-360	NEW-P	95-13-066
458-08-040	REP	95-07-067	458-14-170	AMD	95-17-099	458-30-500	AMD-P	95-13-066
458-08-050	REP-P	95-04-051	458-14-171	PREP	95-07-139	458-30-510	AMD-P	95-13-066
458-08-050	REP	95-07-067	458-14-171	AMD-P	95-12-086	458-30-520	AMD-P	95-13-066
458-08-060	REP-P	95-04-051	458-14-171	AMD	95-17-099	458-30-525	NEW-P	95-13-066
458-08-060	REP	95-07-067	458-16-265	REP	95-06-042	458-30-530	AMD-P	95-13-066
458-08-070	REP-P	95-04-051	458-16A-010	NEW	95-06-041	458-30-540	AMD-P	95-13-066
458-08-070	REP	95-07-067	458-16A-020	NEW	95-06-042	458-30-550	AMD-P	95-13-066
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458-08-080	REP	95-07-067	458-18-220	AMD	95-06-044	458-30-570	AMD-P	95-13-066
458-08-090	REP-P	95-04-051	458-20-10001	NEW-P	95-04-054	458-30-580	AMD-P	95-13-066
458-08-090	REP	95-07-067	458-20-10001	NEW	95-07-070	458-30-590	AMD-P	95-02-062
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458-08-100	REP	95-07-067	458-20-10002	NEW	95-07-069	458-40-610	PREP	95-04-094
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458-08-110	REP	95-07-067	458-20-101	AMD	95-07-089	458-40-610	AMD-P	95-10-064
458-08-120	REP-P	95-04-051	458-20-104	AMD-P	95-04-018	458-40-610	AMD-C	95-15-066
458-08-120	REP	95-07-067	458-20-104	AMD	95-07-088	458-40-610	AMD	95-18-026
458-08-130	REP-P	95-04-051	458-20-114	PREP	95-11-080	458-40-610	PREP	95-19-087
458-08-130	REP	95-07-067	458-20-114	REP-P	95-15-065	458-40-615	PREP	95-08-078
458-08-140	REP-P	95-04-051	458-20-183	PREP	95-03-092	458-40-615	AMD-P	95-11-039
458-08-140	REP	95-07-067	458-20-183	AMD-P	95-11-081	458-40-615	AMD	95-14-086
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458-08-150	REP	95-07-067	458-20-18601	AMD	95-07-068	458-40-640	AMD-P	95-11-039
458-08-160	REP-P	95-04-051	458-20-189	PREP	95-04-079	458-40-640	AMD	95-14-086
458-08-160	REP	95-07-067	458-20-189	AMD-P	95-16-004	458-40-650	PREP	95-04-094
458-08-170	REP-P	95-04-051	458-20-207	AMD-P	95-11-040	458-40-650	AMD-E	95-10-035
458-08-170	REP	95-07-067	458-20-207	AMD	95-15-013	458-40-650	AMD-P	95-10-064
458-08-180	REP-P	95-04-051	458-20-211	PREP	95-05-025	458-40-650	AMD	95-14-084
458-08-180	REP	95-07-067	458-20-211	AMD-P	95-16-006	458-40-650	PREP	95-19-087
458-08-190	REP-P	95-04-051	458-20-238	AMD-P	95-16-005	458-40-660	PREP	95-08-078
458-08-190	REP	95-07-067	458-20-258	AMD-P	95-03-050	458-40-660	AMD-P	95-11-041
458-08-200	REP-P	95-04-051	458-20-258	AMD-C	95-14-085	458-40-660	AMD-E	95-14-087
458-08-200	REP	95-07-067	458-20-258	AMD-W	95-15-093	458-40-660	AMD-C	95-15-067
458-08-210	REP-P	95-04-051	458-20-200	AMD-P	95-13-066	458-40-660	AMD	95-18-027
458-08-210	REP	95-07-067	458-30-205	AMD-P	95-13-066	458-40-660	PREP	95-19-087
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458-08-230	REP-P	95-04-051	458-30-220	AMD-P	95-13-066	458-40-670	AMD-E	95-10-036
458-08-230	REP	95-07-067	458-30-225	AMD-P	95-13-066	458-40-670	AMD-P	95-10-064
458-08-240	REP-P	95-04-051	458-30-230	AMD-P	95-13-066	458-40-670	AMD-P	95-11-041
458-08-240	REP	95-07-067	458-30-232	NEW-P	95-13-066	458-40-670	AMD-W	95-11-076
458-08-250	REP-P	95-04-051	458-30-235	REP-P	95-13-066	458-40-670	AMD-E	95-14-087
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478-168-050	REP-P	95-08-053	479-02-070	AMD	95-04-072	479-120-011	NEW	95-04-072
478-168-050	REP	95-14-045	479-02-100	AMD	95-04-072	479-120-013	NEW	95-04-072
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479-120-037	NEW	95-04-072	480-12-095	REP-E	95-10-038	480-12-500	REP-P	95-17-125
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479-120-089	NEW	95-04-072	480-12-095	REP-E	95-18-018	480-12-510	REP-E	95-10-038
479-120-095	NEW	95-04-072	480-12-105	REP-E	95-10-038	480-12-510	REP-P	95-17-125
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479-310-200	AMD	95-04-072	480-12-110	REP-P	95-17-125	480-12-520	REP-E	95-18-018
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479-410-020	NEW	95-04-072	480-12-131	REP-P	95-17-125	480-14-010	NEW-E	95-18-018
479-410-100	NEW	95-04-072	480-12-131	REP-E	95-18-018	480-14-020	NEW-E	95-10-038
479-410-150	NEW	95-04-072	480-12-137	REP-E	95-10-038	480-14-020	NEW-P	95-17-125
479-410-160	NEW	95-04-072	480-12-137	REP-P	95-17-125	480-14-020	NEW-E	95-18-018
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479-410-180	NEW	95-04-072	480-12-140	REP-E	95-10-038	480-14-030	NEW-P	95-17-125
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479-412-100	NEW	95-04-072	480-12-155	REP-E	95-10-038	480-14-040	NEW-P	95-17-125
479-412-150	NEW	95-04-072	480-12-155	REP-P	95-17-125	480-14-040	NEW-E	95-18-018
479-412-200	NEW	95-04-072	480-12-155	REP-E	95-18-018	480-14-050	NEW-E	95-10-038
479-412-250	NEW	95-04-072	480-12-160	REP-E	95-10-038	480-14-050	NEW-P	95-17-125
479-412-300	NEW	95-04-072	480-12-160	REP-P	95-17-125	480-14-050	NEW-E	95-18-018
479-412-310	NEW	95-04-072	480-12-160	REP-E	95-18-018	480-14-060	NEW-E	95-10-038
479-416-010	NEW	95-04-072	480-12-181	REP-E	95-10-038	480-14-060	NEW-P	95-17-125
479-416-015	NEW	95-04-072	480-12-181	REP-P	95-17-125	480-14-060	NEW-E	95-18-018
479-416-016	NEW	95-04-072	480-12-181	REP-E	95-18-018	480-14-070	NEW-E	95-10-038
479-416-018	NEW	95-04-072	480-12-195	REP-E	95-10-038	480-14-070	NEW-P	95-17-125
479-416-020	NEW	95-04-072	480-12-195	REP-P	95-17-125	480-14-070	NEW-E	95-18-018
479-416-030	NEW	95-04-072	480-12-195	REP-E	95-18-018	480-14-080	NEW-E	95-10-038
479-416-035	NEW	95-04-072	480-12-196	REP-E	95-10-038	480-14-080	NEW-P	95-17-125
479-416-040	NEW	95-04-072	480-12-196	REP-P	95-17-125	480-14-080	NEW-E	95-18-018
479-416-045	NEW	95-04-072	480-12-196	REP-E	95-18-018	480-14-090	NEW-E	95-10-038
479-416-050	NEW	95-04-072	480-12-205	REP-E	95-10-038	480-14-090	NEW-P	95-17-125
479-420-010	NEW	95-04-072	480-12-205	REP-P	95-17-125	480-14-090	NEW-E	95-18-018
479-420-011	NEW	95-04-072	480-12-205	REP-E	95-18-018	480-14-100	NEW-E	95-10-038
479-420-013	NEW	95-04-072	480-12-225	REP-E	95-10-038	480-14-100	NEW-P	95-17-125
479-420-016	NEW	95-04-072	480-12-225	REP-P	95-17-125	480-14-100	NEW-E	95-18-018
479-420-020	NEW	95-04-072	480-12-225	REP-E	95-18-018	480-14-110	NEW-E	95-10-038
479-420-025	NEW	95-04-072	480-12-230	REP-E	95-10-038	480-14-110	NEW-P	95-17-125
479-420-027	NEW	95-04-072	480-12-230	REP-P	95-17-125	480-14-110	NEW-E	95-18-018
479-420-031	NEW	95-04-072	480-12-230	REP-E	95-18-018	480-14-120	NEW-E	95-10-038
479-420-037	NEW	95-04-072	480-12-233	REP-E	95-10-038	480-14-120	NEW-P	95-17-125
479-420-086	NEW	95-04-072	480-12-233	REP-P	95-17-125	480-14-120	NEW-E	95-18-018
479-420-089	NEW	95-04-072	480-12-233	REP-E	95-18-018	480-14-130	NEW-E	95-10-038
479-420-095	NEW	95-04-072	480-12-240	REP-E	95-10-038	480-14-130	NEW-P	95-17-125
479-510-060	NEW-P	95-19-091	480-12-240	REP-P	95-17-125	480-14-130	NEW-E	95-18-018
479-510-076	NEW-P	95-19-091	480-12-240	REP-E	95-18-018	480-14-140	NEW-E	95-10-038
479-510-080	NEW-P	95-19-091	480-12-245	REP-E	95-10-038	480-14-140	NEW-P	95-17-125
479-510-110	NEW-P	95-19-091	480-12-245	REP-P	95-17-125	480-14-140	NEW-E	95-18-018
479-510-120	NEW-P	95-19-091	480-12-245	REP-E	95-18-018	480-14-150	NEW-E	95-10-038
479-510-210	NEW-P	95-19-091	480-12-253	REP-E	95-10-038	480-14-150	NEW-P	95-17-125
479-510-220	NEW-P	95-19-091	480-12-253	REP-P	95-17-125	480-14-150	NEW-E	95-18-018
479-510-410	NEW-P	95-19-091	480-12-253	REP-E	95-18-018	480-14-160	NEW-E	95-10-038
479-510-420	NEW-P	95-19-091	480-12-260	REP-E	95-10-038	480-14-160	NEW-P	95-17-125
479-510-500	NEW-P	95-19-091	480-12-260	REP-P	95-17-125	480-14-160	NEW-E	95-18-018
480-09	PREP	95-06-089	480-12-260	REP-E	95-18-018	480-14-170	NEW-E	95-10-038
480-09-520	PREP	95-06-088	480-12-305	REP-E	95-10-038	480-14-170	NEW-P	95-17-125
480-12-001	NEW-E	95-10-038	480-12-305	REP-P	95-17-125	480-14-170	NEW-E	95-18-018
480-12-001	NEW-P	95-17-125	480-12-305	REP-E	95-18-018	480-14-180	NEW-E	95-10-038
480-12-001	NEW-E	95-18-018	480-12-310	REP-E	95-10-038	480-14-180	NEW-P	95-17-125
480-12-075	REP-E	95-10-038	480-12-310	REP-P	95-17-125	480-14-180	NEW-E	95-18-018
480-12-075	REP-P	95-17-125	480-12-310	REP-E	95-18-018	480-14-190	NEW-E	95-10-038
480-12-075	REP-E	95-18-018	480-12-321	REP-E	95-10-038	480-14-190	NEW-P	95-17-125
480-12-082	REP-E	95-10-038	480-12-321	REP-P	95-17-125	480-14-190	NEW-E	95-18-018
480-12-082	REP-P	95-17-125	480-12-321	REP-E	95-18-018	480-14-200	NEW-E	95-10-038
480-12-082	REP-E	95-18-018	480-12-322	REP-E	95-10-038	480-14-200	NEW-P	95-17-125
480-12-085	REP-E	95-10-038	480-12-322	REP-P	95-17-125	480-14-200	NEW-E	95-18-018
480-12-085	REP-P	95-17-125	480-12-322	REP-E	95-18-018	480-14-210	NEW-E	95-10-038
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480-14-220	NEW-E	95-10-038	480-50-090	REP-P	95-17-122	484-20-085	AMD	95-03-053
480-14-220	NEW-P	95-17-125	480-50-100	REP-P	95-17-122	490-500	AMD	95-04-050
480-14-220	NEW-E	95-18-018	480-50-110	REP-P	95-17-122	490-500-005	AMD	95-04-050
480-14-230	NEW-E	95-10-038	480-50-120	REP-P	95-17-122	490-500-010	AMD	95-04-050
480-14-230	NEW-P	95-17-125	480-50-130	REP-P	95-17-122	490-500-015	AMD	95-04-050
480-14-230	NEW-E	95-18-018	480-50-140	REP-P	95-17-122	490-500-020	REP	95-04-050
480-14-240	NEW-E	95-10-038	480-51-010	NEW-P	95-17-122	490-500-022	NEW	95-04-050
480-14-240	NEW-P	95-17-125	480-51-020	NEW-P	95-17-122	490-500-025	AMD	95-04-050
480-14-240	NEW-E	95-18-018	480-51-022	NEW-P	95-17-122	490-500-030	AMD	95-04-050
480-14-250	NEW-E	95-10-038	480-51-025	NEW-P	95-17-122	490-500-050	AMD	95-04-050
480-14-250	NEW-P	95-17-125	480-51-030	NEW-P	95-17-122	490-500-055	AMD	95-04-050
480-14-250	NEW-E	95-18-018	480-51-040	NEW-P	95-17-122	490-500-060	REP	95-04-050
480-14-260	NEW-E	95-10-038	480-51-050	NEW-P	95-17-122	490-500-065	NEW	95-04-050
480-14-260	NEW-P	95-17-125	480-51-060	NEW-P	95-17-122	490-500-070	AMD	95-04-050
480-14-260	NEW-E	95-18-018	480-51-070	NEW-P	95-17-122	490-500-075	REP	95-04-050
480-14-270	NEW-E	95-10-038	480-51-075	NEW-P	95-17-122	490-500-077	REP	95-04-050
480-14-270	NEW-P	95-17-125	480-51-077	NEW-P	95-17-122	490-500-080	AMD	95-04-050
480-14-270	NEW-E	95-18-018	480-51-080	NEW-P	95-17-122	490-500-085	REP	95-04-050
480-14-280	NEW-E	95-10-038	480-51-090	NEW-P	95-17-122	490-500-090	REP	95-04-050
480-14-280	NEW-P	95-17-125	480-51-100	NEW-P	95-17-122	490-500-095	REP	95-04-050
480-14-280	NEW-E	95-18-018	480-51-110	NEW-P	95-17-122	490-500-100	REP	95-04-050
480-14-290	NEW-E	95-10-038	480-51-120	NEW-P	95-17-122	490-500-105	REP	95-04-050
480-14-290	NEW-P	95-17-125	480-51-130	NEW-P	95-17-122	490-500-110	REP	95-04-050
480-14-290	NEW-E	95-18-018	480-51-140	NEW-P	95-17-122	490-500-120	REP	95-04-050
480-14-300	NEW-E	95-10-038	480-51-150	NEW-P	95-17-122	490-500-145	REP	95-04-050
480-14-300	NEW-P	95-17-125	480-93-005	AMD-E	95-05-047	490-500-170	NEW	95-04-050
480-14-300	NEW-E	95-18-018	480-93-005	AMD-P	95-08-067	490-500-180	AMD	95-04-050
480-14-320	NEW-E	95-10-038	480-93-005	AMD	95-13-082	490-500-185	AMD	95-04-050
480-14-320	NEW-P	95-17-125	480-93-010	AMD-E	95-05-047	490-500-190	AMD	95-04-050
480-14-320	NEW-E	95-18-018	480-93-010	AMD-P	95-08-067	490-500-200	AMD	95-04-050
480-14-330	NEW-E	95-10-038	480-93-010	AMD	95-13-082	490-500-205	NEW	95-04-050
480-14-330	NEW-P	95-17-125	480-93-223	NEW-P	95-16-033	490-500-255	REP	95-04-050
480-14-330	NEW-E	95-18-018	480-93-223	NEW	95-19-057	490-500-257	AMD	95-04-050
480-14-340	NEW-E	95-10-038	480-110-023	PREP	95-14-135	490-500-260	AMD	95-04-050
480-14-340	NEW-P	95-17-125	480-110-023	AMD-P	95-17-124	490-500-270	AMD	95-04-050
480-14-340	NEW-E	95-18-018	480-120-081	AMD	95-05-003	490-500-275	AMD	95-04-050
480-14-350	NEW-E	95-10-038	480-120-141	PREP	95-05-046	490-500-280	REP	95-04-050
480-14-350	NEW-P	95-17-125	480-120-141	AMD-P	95-07-130	490-500-300	AMD	95-04-050
480-14-350	NEW-E	95-18-018	480-120-141	AMD	95-10-039	490-500-325	AMD	95-04-050
480-14-360	NEW-E	95-10-038	480-120-530	AMD-P	95-04-111	490-500-340	REP	95-04-050
480-14-360	NEW-P	95-17-125	480-120-530	AMD	95-09-002	490-500-350	AMD	95-04-050
480-14-360	NEW-E	95-18-018	480-146-010	AMD-P	95-08-068	490-500-380	AMD	95-04-050
480-14-370	NEW-E	95-10-038	480-146-010	AMD	95-16-009	490-500-385	AMD	95-04-050
480-14-370	NEW-P	95-17-125	480-146-020	AMD-P	95-08-068	490-500-389	AMD	95-04-050
480-14-370	NEW-E	95-18-018	480-146-020	AMD	95-16-009	490-500-390	AMD	95-04-050
480-14-380	NEW-E	95-10-038	480-146-030	AMD-P	95-08-068	490-500-395	REP	95-04-050
480-14-380	NEW-P	95-17-125	480-146-030	AMD	95-16-009	490-500-400	REP	95-04-050
480-14-380	NEW-E	95-18-018	480-146-050	AMD-P	95-08-068	490-500-405	REP	95-04-050
480-14-390	NEW-E	95-10-038	480-146-050	AMD	95-16-009	490-500-410	REP	95-04-050
480-14-390	NEW-P	95-17-125	480-146-060	AMD-P	95-08-068	490-500-415	REP	95-04-050
480-14-390	NEW-E	95-18-018	480-146-060	AMD	95-16-009	490-500-417	REP	95-04-050
480-14-400	NEW-E	95-10-038	480-146-070	PREP	95-03-094	490-500-418	AMD	95-04-050
480-14-400	NEW-P	95-17-125	480-146-070	AMD-P	95-08-068	490-500-420	AMD	95-04-050
480-14-400	NEW-E	95-18-018	480-146-070	AMD	95-16-009	490-500-425	REP	95-04-050
480-14-410	NEW-E	95-10-038	480-146-080	PREP	95-03-094	490-500-430	AMD	95-04-050
480-14-410	NEW-P	95-17-125	480-146-080	AMD-P	95-08-068	490-500-435	AMD	95-04-050
480-14-410	NEW-E	95-18-018	480-146-080	AMD	95-16-009	490-500-437	NEW	95-04-050
480-14-420	NEW-E	95-10-038	480-146-100	PREP	95-03-094	490-500-440	REP	95-04-050
480-14-420	NEW-P	95-17-125	480-146-100	REP-P	95-08-068	490-500-445	AMD	95-04-050
480-14-420	NEW-E	95-18-018	480-146-100	REP	95-16-009	490-500-450	AMD	95-04-050
480-14-900	NEW-E	95-10-038	480-146-200	PREP	95-03-094	490-500-455	AMD	95-04-050
480-14-900	NEW-P	95-17-125	480-146-200	AMD-P	95-08-068	490-500-460	NEW	95-04-050
480-14-900	NEW-E	95-18-018	480-146-200	AMD	95-16-009	490-500-465	NEW	95-04-050
480-50	PREP	95-14-025	480-146-210	PREP	95-03-094	490-500-470	NEW	95-04-050
480-50-010	REP-P	95-17-122	480-146-210	AMD-P	95-08-068	490-500-475	NEW	95-04-050
480-50-020	REP-P	95-17-122	480-146-210	AMD	95-16-009	490-500-477	NEW	95-04-050
480-50-030	REP-P	95-17-122	480-146-220	PREP	95-03-094	490-500-480	NEW	95-04-050
480-50-035	REP-P	95-17-122	480-146-220	AMD-P	95-08-068	490-500-485	NEW	95-04-050
480-50-040	REP-P	95-17-122	480-146-220	AMD	95-16-009	490-500-500	AMD	95-04-050
480-50-050	REP-P	95-17-122	480-146-230	NEW-P	95-08-068	490-500-505	AMD	95-04-050
480-50-060	REP-P	95-17-122	480-146-230	NEW	95-16-009	490-500-510	AMD	95-04-050
480-50-070	REP-P	95-17-122	484-20-065	AMD-P	95-02-072	490-500-520	AMD	95-04-050

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490-500-540	REP	95-04-050	504-21-080	AMD	95-07-043
490-500-542	NEW	95-04-050	504-21-090	AMD	95-07-043
490-500-545	AMD	95-04-050	504-24	AMD	95-07-044
490-500-550	REP	95-04-050	504-24-015	REP	95-07-044
490-500-555	NEW	95-04-050	504-24-020	REP-P	95-06-062
490-500-560	AMD	95-04-050	504-24-020	REP-W	95-19-038
490-500-570	REP	95-04-050	504-24-030	AMD	95-07-044
490-500-580	NEW	95-04-050	504-24-035	NEW	95-07-044
490-500-590	AMD	95-04-050	504-24-040	NEW	95-07-044
490-500-600	AMD	95-04-050	504-25-005	AMD	95-07-001
490-500-605	AMD	95-04-050	504-25-010	AMD	95-07-045
490-500-610	PREP	95-08-047	504-25-015	AMD	95-07-001
490-500-610	REP-P	95-08-054	504-25-020	AMD	95-07-045
490-500-610	REP	95-11-047	504-25-025	AMD	95-07-045
490-500-615	AMD	95-04-050	504-25-035	AMD	95-07-045
490-500-620	AMD	95-04-050	504-25-050	AMD	95-07-045
490-500-622	NEW	95-04-050	504-25-055	AMD	95-07-045
490-500-625	AMD	95-04-050	504-25-060	AMD	95-07-045
490-500-627	NEW	95-04-050	504-25-080	AMD	95-07-045
490-500-630	NEW	95-04-050	504-25-100	AMD	95-07-045
490-500-635	NEW	95-04-050	504-25-120	AMD	95-07-045
495D-104-010	AMD-P	95-14-125	504-25-138	NEW	95-07-045
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495D-135-020	AMD-P	95-14-126	504-25-215	AMD	95-07-045
495D-135-020	AMD	95-17-052	504-25-220	AMD	95-07-045
495D-135-040	AMD-E	95-14-008	504-25-225	AMD	95-07-045
495D-135-040	AMD-P	95-14-126	504-25-230	AMD	95-07-045
495D-135-040	AMD	95-17-052	504-25-235	AMD	95-07-045
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504-15-060	AMD	95-13-003	504-25-245	AMD	95-07-045
504-15-100	AMD-P	95-06-061	504-25-300	NEW	95-07-001
504-15-100	AMD	95-13-003	504-25-305	NEW	95-07-001
504-15-210	AMD-P	95-06-061	504-25-310	NEW	95-07-001
504-15-210	AMD	95-13-003	504-25-315	NEW	95-07-001
504-15-250	AMD-P	95-06-061	504-25-320	NEW	95-07-001
504-15-250	AMD	95-13-003	504-25-325	NEW	95-07-001
504-15-350	AMD-P	95-06-061	504-25-330	NEW	95-07-001
504-15-350	AMD	95-13-003	504-25-335	NEW	95-07-001
504-15-450	AMD-P	95-06-061	504-25-340	NEW	95-07-001
504-15-450	AMD	95-13-003	504-25-350	NEW	95-07-001
504-15-460	AMD-P	95-06-061	504-25-355	NEW	95-07-001
504-15-460	AMD	95-13-003	504-25-360	NEW	95-07-001
504-15-470	AMD-P	95-06-061	504-25-365	NEW	95-07-001
504-15-470	AMD	95-13-003	504-25-370	NEW	95-07-001
504-15-540	AMD-P	95-06-061	504-25-375	NEW	95-07-001
504-15-540	AMD	95-13-003	504-28-010	AMD	95-07-046
504-15-560	AMD-P	95-06-061	504-28-020	AMD	95-07-046
504-15-560	AMD	95-13-003	504-28-030	AMD	95-07-046
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504-15-580	AMD	95-13-003	504-28-060	REP	95-07-046
504-15-600	AMD-P	95-06-061	504-34-140	NEW	95-07-047
504-15-600	AMD	95-13-003	504-40-010	AMD-P	95-04-028
504-15-650	AMD-P	95-06-061	504-40-010	AMD	95-13-004
504-15-650	AMD	95-13-003	504-40-020	AMD-P	95-04-028
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504-15-750	AMD	95-13-003	504-40-030	AMD-P	95-04-028
504-15-810	AMD-P	95-06-061	504-40-030	AMD	95-13-004
504-15-810	AMD	95-13-003	504-40-040	REP-P	95-04-028
504-15-830	AMD-P	95-06-061	504-40-040	REP	95-13-004
504-15-830	AMD	95-13-003	504-40-045	NEW-P	95-04-028
504-15-860	AMD-P	95-06-061	504-40-045	NEW	95-13-004
504-15-860	AMD	95-13-003	504-40-050	REP-P	95-04-028
504-15-930	NEW-P	95-06-061	504-40-050	REP	95-13-004
504-15-930	NEW	95-13-003	504-40-055	NEW-P	95-04-028
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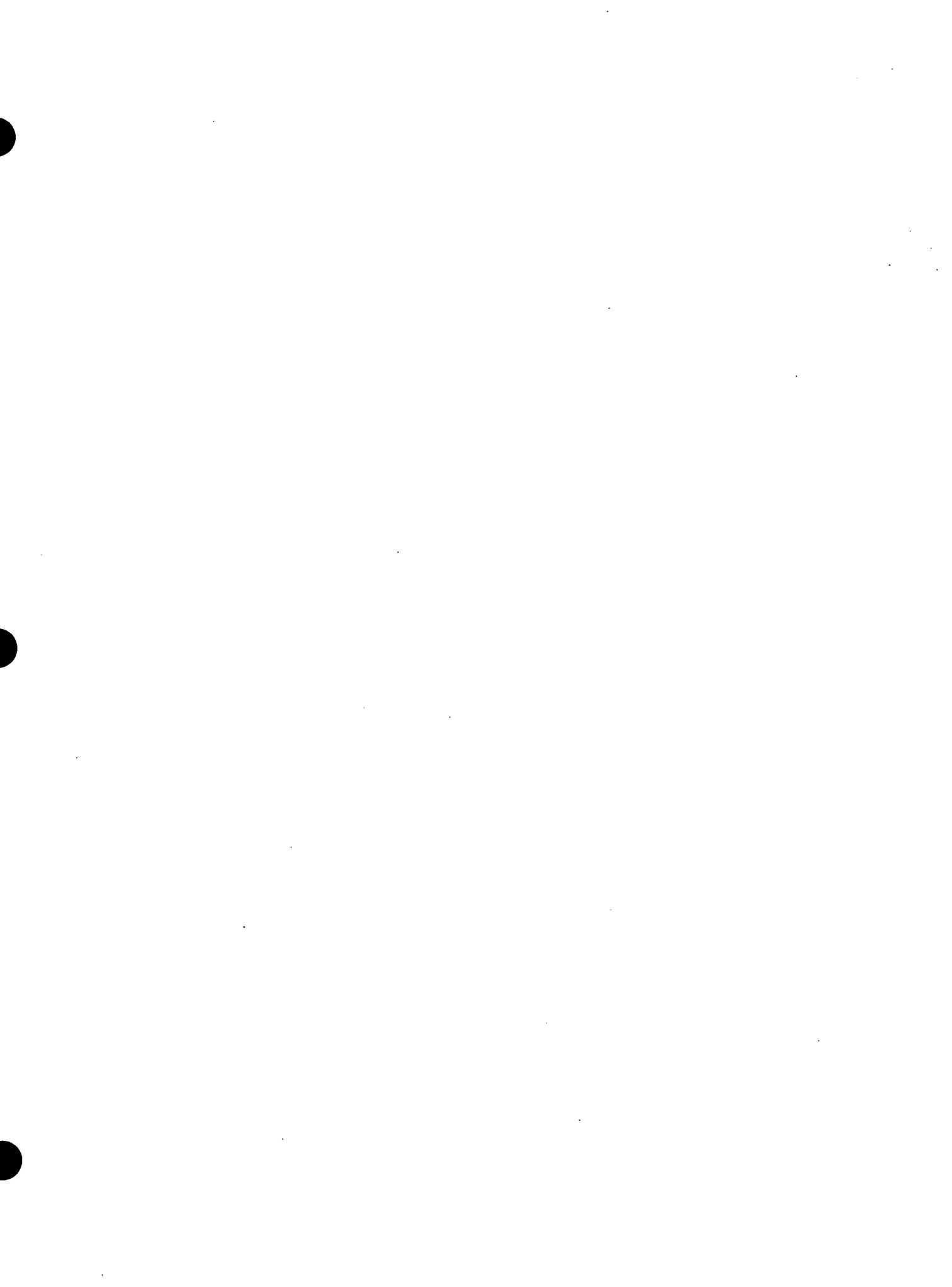
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